Nosenko was Deputy Chief of the American Embassy section.
Nosenko was Chief of the American-British Commonwealth section.
Nosenko was Deputy Chief of the Seventh Department in 1962.

INVESTIGATION BY THE CIA INTO NOSENKO'S STATEMENTS ABOUT OSWALD

The security officer's report, like the Soviet Russia Section report, paid little attention to the Oswald aspect of the Nosenko case. Neither attempted to analyze the statements made about Oswald. Out of a combined total of 730 pages of report, only 15 deal with the alleged assassin of President Kennedy.

The security officer did reach the conclusion, however, that Nosenko was not dispatched by the Soviet Government to give false information to U.S. officials about Oswald. He listed the reasons for his conclusion in his report:

Nosenko's first contact with the CIA was in June 1962, 17 months prior to the assassination.

Information provided by Nosenko was not sufficient in "nature, scope and content" to convince U.S. authorities of no Soviet involvement in the assassination.

Even if the KGB were involved in the assassination, the Soviets would assume that U.S. authorities would, in turn, believe only a few senior officers of the KGB would be aware of it, and Nosenko would not be one of them.

The Committee investigation developed some additional points regarding the CIA's attention to the Oswald aspect of the Nosenko case.

The CIA employee who interviewed Nosenko on July 3 and 27, 1964, told the Committee in a deposition he was not an expert on the KGB, nor had he any previous experience with KGB defectors. He was asked about his knowledge of Oswald, since it was in these interviews that the most detailed questions about the alleged assassin were asked. He replied:

> "I cannot specifically recall having read any files pertaining to Lee Harvey Oswald. Certainly I had read and heard a lot about him in the newspapers, television, and radio. I may have had the opportunity to read some previous debriefings of Nosenko concerning Oswald, but I am not sure of that."

When asked if he ever spoke to Nosenko about Oswald, the security officer who wrote the 1968 report said:

> "No. Well, all I have, you have there (Nosenko's three-page statement). I did a writeup on it. I didn't see that it seriously conflicted with what we had."

Q. And did you ever question him about what he wrote?

A. No, because I had no reason to disbelieve him.

Questioned further as to why he did not compare all of Nosenko's statements on Oswald, he replied: "I did not have all the information on the Oswald investigation. That was an FBI investigation."

Q. Well, was it available to you if you had asked the FBI for their reports of what Oswald had said to them?

A. It might, under certain circumstances, but in this case here, as far as our office was concerned, the Oswald matter was an FBI matter.

Question: Now when it was determined that Oswald was going to be allowed to stay in the Soviet Union and live in Minsk, did any KGB officer speak to him at that time?

Answer: No. As far as my knowledge, nobody was speaking with him.

Question: Why didn't the KGB speak to him then?

Answer: KGB once said we don't have entrance. The same was reported to the Government. Must be by the chairman that the KGB doesn't have interest. The KGB didn't want to be involved.

According to Nosenko, the KGB would have been very interested in the fact that Oswald worked at the air base in Japan from which the super secret U-2 spy planes took off and landed.

Question: And in 1959, would the Soviet Union have been interested in someone who served as the radar operator on an air base where U-2's took off and landed?

Answer: Yes, sir. It would be very interesting.

But Nosenko maintains that the KGB never spoke with Oswald, so it didn't know that he had any connection with the U-2 flights.

The head of the CIA Soviet Russia section from 1963 to 1968 was asked by the committee if he knew of comparable situations in which someone was not questioned, was just left alone, as Nosenko says Oswald was. He replied that he did not know of any former Soviet intelligence officer or other knowledgeable source to whom they had spoken who felt that this would have been possible.

"If someone did" he said "I never heard of it."

In short, Nosenko's Oswald's story is as follows: The KGB, although very interested in the U-2, never learned anything about it from Oswald because it didn't know he had any knowledge of the aircraft. Why? Because Oswald was never questioned by the KGB because the decision was made that Oswald was of no interest to Soviet intelligence.

After questioning Nosenko on a number of other statements and their possible contradictions with prior statements which he made to the FBI and the CIA in 1964 and receiving similar response to the one I have just outlined, the committee in its May hearing returned to earlier topics. Nosenko on numerous occasions had complained that the transcripts he was being shown were inaccurate, that he had been drugged by the CIA during interrogation, and that he was not fairly questioned, et cetera, et cetera, et cetera. Therefore the committee decided to play for Mr. Nosenko the actual tapes of the interrogation in which Nosenko made these statements and to allow him to comment on them.

At the time a tape recorder was brought out and the following was stated by the questioner: I would like to ask that this tape, which is marked "3 July 1964, Reel No. 66", be deemed marked for identification.

A recess was requested to put the tape in the machine. At the conclusion of the recess, Nosenko returned to the room and then refused to answer any questions dealing with interviews done by the CIA prior to 1967. He stated that all statements prior to that time by the CIA were the result of hostile interrogations, and that he was questioned illegally in violation of his constitutional rights.

The committee considered how to respond to Mr. Nosenko's objection, and after deliberation, it decided that all questions dealing with prior statements to the FBI and the CIA would be suspended by the committee.

Mr. Chairman, that concludes my summary of the report. It is appropriate to note that a draft of the staff report, a summary of which was just read, was submitted to the CIA for declassification. Within 2 days, the CIA declassified the entire draft, requiring that only a few minor changes and the deletion of the names of agency personnel and sources.

The committee provided both the FBI and the CIA with copies of the report and asked the agencies if they wished to respond to the report at the public hearing to be held today.

The FBI informed the committee that no response would be submitted. The CIA has made available to the committee John Clement Hart as its official representative to state the agency's position on the committee's Nosenko report. Mr. Hart is a career agent with the CIA, having served approximately 24 years. He has held the position of chief of station in Korea, Thailand, Morocco, Vietnam, as well as several senior posts at CIA headquarters in Virginia.

Mr. Hart has considerable experience with Soviet intelligence and counterintelligence activities while serving in various capacities in the United States and abroad. He has written two extensive studies on Soviet defectors, one of which, dated 1976, dealt with the handling of Yuri Nosenko by the CIA.

Mr. Chairman, it would be appropriate at this time to call Mr. Hart.

Mr. PREYER. At this time, before we hear this witness, the Chair would like to take a few minutes recess until the other members have had an opportunity to return from the vote. I think it is important that they have the opportunity to hear this witness. So at this time, the Chair will take a recess not to last more than 5 minutes.

The committee stands in recess for 5 minutes.

[Recess.]

Chairman STOKES. The committee will come to order.

The committee calls Mr. John Hart.

Mr. Hart, would you please stand, raise your right hand and be sworn. Do you solemnly swear the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HART. I do, sir.

Chairman STOKES. Thank you. You may be seated.

The Chair recognizes counsel Ken Klein.

Mr. KLEIN. Mr. Chairman, at this time I believe Mr. Hart would like to make a statement to the committee.

Chairman STOKES. You are recognized, sir.

TESTIMONY OF JOHN HART

Mr. HART. Thank you, Mr. Chairman, gentlemen. Before I begin my statement. I would like to make a prefatory remark on a technical aspect of what was said about me by the chief counsel, Mr. Blakey. I was not and never have been what is called a career agent with the CIA. I bring that up only because that term happens to have a technical meaning in the Agency. I was what you

would call an employee or an officer of the Agency. And I would like to have that made part of the record.

Chairman STOKES. The record may so show.

Mr. HART. Mr. Chairman, it has never been my custom to speak from a prepared text. I have tried, and I never succeeded. Therefore, what I have before me are a series of notes which were finished about 8 o'clock last night, based on guidance which I got at that time from Admiral Stansfield Turner, the Director of Central Intelligence.

It is my purpose to tell you as much as possible about the background of the Nosenko case with the idea not of addressing what have been called his bona fides, but what has been described as his credibility.

Now, I must say that I have difficulty in distinguishing between credibility and bona fides, but in any case, the testimony and the evidence which has been presented regarding Nosenko simply cannot be evaluated properly unless I give you the background which I am about to present.

Mr. DODD. Mr. Chairman, I would like to make a request at this point if I could. As I understood it, last week, the agreement and understanding was that we would prepare a report of our investigation, submit it to the Agency, to which the Agency would then respond in a like report. We were notified earlier this week that a detailed outline of the Agency's response would be forthcoming. Am I to assume that this detailed outline consisting of a single page, listing four subtitles, is the summary of Mr. Hart's presentation? That is, as far as I can determine, the full extent to which we have any response relating to Mr. Hart's testimony at this juncture.

What I would like to request at this point is that this committee take a 5- or 10-minute recess, and we have the benefit of examining your notes from which you are about to give your testimony, so that we could prepare ourselves for proper questioning of you, Mr. Hart.

Mr. Chairman, I would make that request.

Chairman STOKES. Does the witness care to respond?

Mr. HART. Mr. Chairman, I will do anything which will be of help to the committee. I want to state that I am not personally certain what was promised the committee. I was brought back on duty to be the spokesman for the agency. I spent my time preparing testimony which I am prepared to offer here. If it will be of assistance for the committee to see this in advance, I am perfectly happy to do so, if there is a way of doing that.

Chairman STOKES. Does the gentleman from Connecticut, Mr. Dodd, want to be heard further?

Mr. DODD. Yes, just to this extent, Mr. Chairman. It is not my intention to delay these proceedings any more than they have to be. I am not asking for a lot of time. If we could have just 5 or 10 minutes in which we might be able to make some Xerox copies of those notes, so that we could have the benefit of following you along in your testimony on the basis of that outline, it would be helpful I think in terms of the committee assessing the material and also preparing itself for the proper questions to be addressed to you at the conclusion of your statement. So I do it only for that purpose, Mr. Chairman. It is not in any way designed to thwart the efforts of Mr. Hart or the Agency to make its presentation.

Chairman STOKES. Would the gentleman be agreeable to providing Mr. Hart the opportunity to proceed with his testimony, and then in the event that you deem it necessary to have additional time to review his notes, or to prepare an examination of him after his testimony, that the Chair would grant you that time at that time.

Mr. DODD. That would be fine, Mr. Chairman. I will agree to that.

Chairman STOKES. I thank the gentleman.

You may proceed, sir.

Mr. HART. Mr. Chairman, I also want to emphasize that in order to be of as much help as possible, I am perfectly willing to take questions as we go along. This is not a canned presentation. It may be easier for the members of the committee to ask questions as we go along, in which case I will do my best to answer them as we go along.

Chairman STOKES. I think the committee would prefer to have you make your presentation. Then after that the committee will then be recognized—members will be recognized individually for such questioning as they so desire.

Mr. FITHIAN. Mr. Chairman, may I ask the witness to move the microphone a little closer in some way or another. We are having some difficulty in hearing from this angle.

Mr. HART. Yes, sir. Is this all right?

Mr. Chairman, gentlemen, the effort in this presentation will be to point out some of the unusual factors in the Nosenko case which resulted in a series of cumulative misunderstandings. And I am hoping that once these misunderstandings are explained—and they were misunderstandings within the Agency for the most part—I am hoping that when these are explained, that many of the problems which are quite understandable, which the staff has had with the questions and answers from Mr. Nosenko, and also allegations concerning him, will be cleared up and go away.

I will endeavor to show that the handling of Nosenko by the Central Intelligence Agency was counterproductive from the time of the first contact with him in Geneva in 1962, and that it continued in a manner which was counterproductive until the jurisdiction over the case was transferred to the CIA Office of Security in late 1967, specifically in August of that year.

The manner in which the defector was handled, which I am going to outline, resulted in generating a large amount of misinformation and in creating difficulties, not only for an investigating body, such as yourself, but for people such as the Director of the Central Intelligence, Mr. Helms, who was not well informed in many cases as to what was actually happening. I do not mean to imply that he was told untruths. He was simply not given the total picture of what was going on.

Since Admiral Turner has become Director of Central Intelligence, he has been quite concerned about this case, and he specifically requested that I come back periodically to the Agency, from which I retired in 1972, and give presentations to senior officials of the Agency on the nature of the case. The complexity of the case is

such that to give a minimally adequate presentation to the first group which I lectured took me 4½ hours of continuous lecturing. However, I think that since the interests of this committee are more pinpointed than that group I have been lecturing, I can certainly do it in a shorter time.

Now, the study which I made was made from mid-June 1976 until late December 1976. It required the full-time efforts of myself and four assistants.

We collected from various parts of the Agency 10 4-drawer safes full of documents, and we had also access to documents which were in repositories in other parts of the Agency, and which we simply didn't have room to collect in our office.

In making this presentation, I will be somewhat hampered, but not to the point where I can't do the job properly, by the fact that this session is, of course, open to the public. Most of the documentation which we had, in fact I would say, almost without exception was heavily classified, and we pulled together pieces of documentation which no single person had ever seen before. So we put together the first full picture which has ever been had of this activity.

The first specific question which I want to address myself to is this case as a human phenomenon, because the human factors involved have a direct bearing on some of the contradictions which have appeared in the case.

And unfortunately the human factors were the last to be considered by the people who conducted this case between 1962 and 1967. Some of them were ridiculously simple things which you might have thought would come to their attention.

I am about to discuss a psychological profile which was made of Mr. Nosenko on June 24, 1964. This would have been available to any of the persons working on the case, but they—and it probably was seen by them, but they paid no attention to it.

Let me say by way of qualification for giving you this evidence that although I am not a psychologist, I have had considerable training in psychology and specifically in giving of intelligence tests. And I am about to talk to you about what is known as the Wexler adult intelligence scale, which was administered to Mr. Nosenko. The Wexler adult intelligence scale measures 10 elements of the—of a person's intelligence. Of the 10 elements shown here on the measure which I have here, and which I will be happy to make available to the committee staff, if you wish, it is shown that Mr. Nosenko's memory was the weakest aspect of his overall intelligence. His memory in terms of the weighted scale came out as a 7. Now, the mean would have been a 10. Thus he was at the time tested, he was registering a memory well below the normal level.

It is impossible to say what he would have scored under conditions which were more normal, because it must be taken into consideration that at the time he was—he was tested, he had been subjected to not only the stresses and strains of—involved in defecting, but also in some rather rough handling which he had received since his defection. However—you will see that if this man—man's memory was below the normal to be expected for a person of his intelligence, that any of the testimony which he gave in the course of various interrogations could be expected to be flawed simply by the human factor of memory alone.

Second, I want to point out that defection is in itself a major life trauma. It has a very serious effect, which I cannot testify to from the medical standpoint, but it is—it has both psychological and physical effects on people, and anybody who has, as I have, had to do, had considerable contact over the years with defectors, knows that a defector is usually a rather disturbed person, because he has made a break with his homeland, usually with family, with friends, with his whole way of life, and above all he is very uncertain as to what his future is going to be.

I have had defectors whom I personally took custody of turn to me and the first question they asked was, "When are you going to kill me?" In other words, defection is an upsetting experience, and you cannot expect of a man immediately after he has defected that he will always behave in a totally reasonable way.

Another circumstance which I want to bring up is the fact that the initial interrogations of Mr. Nosenko, which took place in Geneva in 1962, were handled under conditions which, while understandable, did not make for good interrogations. They did not make for good questioning.

Mr. Nosenko, as of the time he was being questioned in 1962, was still considered by the KGB to be a loyal member of that organization. He had considerable freedom because he actually did not have any duties in connection with the disarmament discussions. He was simply the security guardian of the delegates. He was the KGB's watchdog. And as such, he was able to move freely and in a manner of his own choice. He availed himself of this freedom to make contact with an American diplomat, who in turn turned him over to representatives of the CIA.

In making these contacts, which were recurrent, he each time was nervous that the local KGB element might for some reason be suspicious of him, and therefore he took about an hour and a half before each meeting in order to be sure that he was not being tailed. In his particular case, this countersurveillance measure consisted of visiting a number of bars, in each of which he had a drink. He had one scotch and soda in each of four or five bars. So by the time he got to the point where he was going to be questioned, he had had four or five drinks.

When he arrived on the spot where he was going to be questioned—this was a clandestine apartment, in the Agency's terms, Agency's jargon it is called a safe house, he was then offered further liquor. And he continued to drink throughout the interrogation.

In talking to Nosenko, and requestioning him a few days ago, I asked him to describe his condition during these meetings, and he said, "I must tell you honestly that at all these meetings I was snookered."

And I said, "You mean that you were drunk?"

"Yes, John," he said, "I was drunk." Therefore he was being interrogated about very important things while he was heavily under the influence of liquor. And he said to me that in some cases he exaggerated the importance of his activities, in some cases he really didn't know what he was doing, he was simply talking.

Now, I want to then tell you how the problems involved with this testimony, if you can call it such, given by Mr. Nosenko, was further worsened.

There were two people sent from Washington specifically to talk to Mr. Nosenko after he made the approach. One of them was a native-born American who had learned a certain amount of Russian academically, but did not speak it, write it or read it fluently. The other was an American citizen who spoke native Russian, but whose principal purpose was to be an interpreter.

There was a tape recorder on hand at these meetings. Sometimes it worked well, sometimes it did not work well. You must remember, I am sure, that back in the 1960's tape recorders were much less refined than they are now, and the ambient noise, straight noise, and so forth, interfered considerably.

However, records of these original meetings were not made from the tapes on the tape recorder. The records which were thought for a number of years to be transcripts were in fact made from notes made by the non-Russian speaker, what he understood as a result of interrogation by the Russian speaker, or what he got himself from his own knowledge of Russian. He made notes.

After the meetings, these notes were then used as the basis of purported transcripts, purported transcripts, which went unchallenged for a number of years.

When later in 1967 these transcripts were compared carefully with what was on the tape, it was shown that there were a number of discrepancies. These discrepancies were very important in the history of this case, because the discrepancies between what Mr. Nosenko really said and what was on the tapes gave rise to charges within the Agency that Mr. Nosenko was not what he purported to be.

But the important point is that in many cases what was being used against him as evidence of telling untruths was not in fact what he had said.

I will take simply one example to illustrate for you what happened.

Mr. Nosenko mentioned that he had attended what is called the Frunze Naval Preparatory School. Frunze was a general who was a hero of the Russian revolution and there seemed to be countless institutions of a military nature in the Soviet Union named after him. The most famous is the Frunze Military Academy which roughly compares to West Point.

Into the transcript was put the fact that Mr. Nosenko said he had graduated from the Frunze Military Academy. He never said this. He never said this at all, but it was held against him that he had said this. That is an example of the type of evidence which was used against him in assessing him.

Now I would like to say a few words about what, despite this, these difficulties—excuse me, Mr. Chairman. I would like to say a few words about the intelligence which Mr. Nosenko did produce during that time, despite the adverse circumstances surrounding the questioning.

In the first place, Mr. Nosenko was responsible for the discovery of a system of audio surveillance or microphones within the U.S. Embassy in Moscow which hitherto had been suspected but nobody had had enough information on it to actually detect it. The information provided by Mr. Nosenko was sufficiently specific, so that when the necessary action was taken which involved wholesale tearing out of walls, tearing out of plumbing, tearing out of old-fashioned radiators, it was discovered that there was a system which totaled 52 microphones which were planted throughout the most sensitive parts of the American Embassy in Moscow. Forty-two of these microphones were still active at the time and were being used by the KGB to collect information continuously on what was going on in the American Embassy.

It has been said that this was not a significant contribution, that some of the people, whom I shall describe later, who have claimed that Mr. Nosenko was a dispatched Soviet agent sent to deceive the U.S. Government, said this was throwaway information.

I can only say, Mr. Chairman, that this is not entirely a matter of judgment on my part or on the part of those of us who have investigated this case. We do not believe that there is any reason to think that the Soviets would ever have given away that information simply to establish somebody in a position to mislead us. There are no adequate precedents to show that they would have done so.

Another case which was revealed to us in 1962, despite the, as I say, undesirable circumstances surrrounding the questioning of Mr. Nosenko, had to do with a man, whom I in open session cannot identify, but he was a very high level Soviet KGB penetration in a very sensitive position in a Western European Government. He was, and on the basis of Mr. Nosenko's lead, arrested, tried, and convicted of espionage. There is no reason to believe that the Soviets would have given this information away. There is no precedent that we know of for the Soviets giving information of this sensitivity away

Now I want to mention some further aspects of the difficulties which arose in the handling of the agent, some of the events which distorted this case. The first important communication which went back from Geneva after the two Washington emissaries had met with Mr. Nosenko was sent by a man who, in order to avoid the use of personal names, although the true name of this individual is certainly available to the staff, and if they have any questions I will be happy to answer, I am going to call him the deputy chief of the SB Division, Soviet Bloc Division, throughout my testimony. The deputy chief, who is the chief interrogator over there, sent back a telegram to Washington on June 11, 1962, in which he said "Subject" meaning Nosenko "has conclusively proved his bona fides. He has provided info of importance and sensitivity. Subject now completely cooperative. Willing to meet when abroad and will meet as often and as long as possible in his departure in Geneva from June 15."

On June 15 both Nosenko and the Deputy Chief SB departed from Geneva, Mr. Nosenko to return to Moscow and his KGB duties, the Deputy Chief SB to return to Washington.

In the course of my investigation, I asked the gentleman, who was for many years chief of the CIA counterintelligence staff, to describe to me what ensued after the arrival in Washington of DCSB, and I shall give you a brief quote which was recorded and

transcribed and which is held in our files. This is the chief of the counterintelligence staff of the CIA speaking:

> We got the first message from Deputy Chief SB—that is the one that I have just previously quoted to you—on Nosenko from Geneva, and Deputy Chief SB was ordered back to Washington, and we had a big meeting here on Saturday morning, and Deputy Chief SB thought he had the biggest fish of his life. I mean he really did. And everything I heard from him, however, was in direct contrast from what we had heard from Mr. X.

I now come to the subject of another defector who, throughout this paper, I am going to call Mr. X, although the staff is well aware of his true identity.

Mr. X was a defector who had come, who had defected from the Soviet Union in late 1961. In the course of his dealings with the Central Intelligence Agency, he was diagnosed by a psychiatrist and separately by a clinical psychologist as a paranoid. And I am sure that everybody knows what a paranoid is. This man had delusions of grandeur. He was given to building up big, fantastic plots, and he eventually built up a plot, which I will have to go into in a little detail here, which centered around the idea that the KGB had vast resources which it was using to deceive not only the U.S. Government but other Western governments. This plot was masterminded by something called the KGB disinformation directorate, and this KGB disinformation directorate was able to deceive the West, as a whole, meaning the United States and the allied European countries, because of the fact that it had penetrations at high levels, both within the intelligence services of these countries, including our own, but also in high places in the governments of the various countries, in the nonintelligence parts of the governments.

Mr. X's story did not come out immediately in one piece. It was elaborated over the years, and for all I know, it may be still in the process of exaggeration, exaggeration and elaboration.

One aspect of Mr. X's character was that he was rather jealous of other Soviet defectors.

Now he did personally know Nosenko, and when Nosenko came out, he did give evidence confirming that Nosenko had had certain jobs, which was in agreement with what Nosenko told us he had done. At later phases of the handling of Mr. X, he changed his story a number of times. I am not an expert on the Mr. X case, and therefore I cannot give you all the details. It is a very lengthy case, but he did go through a number of stages in which he changed his stories.

Mr. X was a problem for the Central Intelligence Agency and for anybody else who dealt with him, because he basically insisted that he wanted to deal only with the President of United States. He did not want to deal with people at a lower rank. But he had a substantial influence on the case because he came to be accepted as almost a member of the Central Intelligence Agency, in terms of the handling of the Nosenko case. He was in due time given access to a voluminous amount of information relating to matters of counterintelligence interest.

In the case of Nosenko, he was given access to all the debriefings of Nosenko. He was given access to the tapes themselves. He was consulted as to Nosenko's bona fides. He was allowed to think up questions which were to be asked Nosenko. He participated almost as if he were a U.S. citizen, with a status similar to my own in the organization.

He did this, however, without the knowledge at that time of Nosenko. He was kept behind the scenes, but he was masterminding the examinations in many ways.

The final point that I suppose I might make about Mr. X, which will give it, give you some evidence of his peculiar point of view, was that it was one of his contentions that the schism between the Soviet Union and China, Communist China, was simply a KGB disinformation ruse, designed to confuse the West. He offered this theory quite seriously, and in some limited quarters within the agency, it came to be taken seriously.

Now Mr. X said, in regard to Nosenko, that Nosenko had been sent out specifically to remedy the damage produced by Mr. X who defected some time previously and had given us information which he thought of great value. In point of fact, quantitatively and qualitatively, the information given by Mr. X was much smaller than that given by Nosenko. But I will read you an excerpt from what Mr. X had to say regarding Nosenko because it bears on the manner in which Nosenko was cheating—was treated.

Now this is a report written, not a direct quote, a report written on a conversation with Mr. X.

Mr. X felt in general that there were indeed serious signs of disinformation in this affair. He felt that such a disinformation operation to discredit him was a likelihood. A KGB officer could be permitted to tell everything he knew now—that is another KGB officer—everything he knew now, if he worked in the same general field as Mr. X.

The purpose of Nosenko's coming out, he thought, would be to contradict what Mr. X had said, and also possibly to set Mr. X up for kidnaping, also to divert our attention from investigations of Mr. X's leads by throwing up false scents, and to protect remaining Soviet sources.

Now Mr. X's views were immediately taken to be the definitive views on Nosenko, and from that standpoint, from that point on, the treatment of Mr. Nosenko was never, until 1967, devoted to learning what Mr. X had to say. It was devoted to "breaking"—excuse me, sir, I misspoke. It was never devoted to finding out what Mr. Nosenko said. The Agency's activity was devoted to breaking Nosenko, who was presumed, on the basis of the supposed evidence given by Mr. X, that Nosenko was a "dispatched KGB agent" sent to mislead the United States.

It is with this in mind that we have to approach everything that happened from 1962, after the first contact with Nosenko terminated, and the time that Nosenko was turned over to the CIA Office of Security for reinvestigation.

The polygraphs themselves must be evaluated in the light of their use, not to get at truth, because they were not used as an instrument of getting at truth, because they were used as an instrument of intimidation of one sort or another, in one way or another.

Now again on the handling of Mr. Nosenko, the belief among the small group of people running the Nosenko case, a very limited

group of people, was that he was part of a plot of the type outlined by Mr. X, which was so horrendous that therefore not many people could be made privy to this investigation.

One of the reasons for that, even within the Agency, was that Mr. X had alleged that the Agency must be penetrated by the KGB at a high level, and therefore you had to limit what Nosenko and Mr. X said to a very small number of people who were thought not to be penetrations, a very small trusted group.

The secrecy surrounding this case, I can illustrate to you from the following personal experience.

In 1968 I came back, well, after this case had been resolved, I came back from Vietnam and was put in charge of the European Division of the Directorate of Operations of the Agency. Under my supervision at that time, there were two senior officers, one a GS-18 and one a GS-16, who had been two of the three persons who were in charge of the Nosenko and Mr. X cases. I was never told of their participation in this case. I was never told that their work on the case had been discredited and had caused them to be transferred out of headquarters to foreign assignments.

Therefore even though I was their supervisor, I was not permitted to know of this important part of their recent past and of their performance.

In 1964, Mr. Chairman, Nosenko came back out from the Soviet Union, again to Geneva, again in the same capacity as the KGB security officer attached to the Soviet mission to the disarmament conferences. He came out with the intention, a firm intention, of not going back. The Agency in the meantime had built up an elaborate case against him, a case built up under the aegis of the chief of the CI staff, the chief of the Soviet Bloc Division, and the deputy chief of the Soviet Bloc Division. Again it was the man I am referring to as the deputy chief of the Soviet Bloc Division, although he did not as yet hold that rank, who came out to Geneva to make the recontact with Nosenko.

The question of just how to deal with Nosenko had been carefully examined, and it was decided that although the Agency was intensely suspicious of him, perhaps more than suspicious, they had concluded that he was being dispatched to mislead the U.S. Government. Nevertheless we must not tip our hand. We must not let Nosenko know that we suspected him, because Nosenko would then report back to his superiors that we knew what they were up to. Thus Nosenko was treated with the maximum of duplicity.

As an illustration, I want to read then an excerpt from a transcript, and this is an accurate excerpt from a transcript. I want to read an excerpt of a conversation which ensued on the 30th of January 1964 between the deputy chief SB and Nosenko.

Nosenko, who, by the way, was worried about his future. He knew he had some kind of a relationship with us, but he was interested now in breaking finally with the Soviet Union and coming to the West, and he wanted asylum in United States, and he wanted to be sure that he was able to earn his living. He wasn't asking to be in charge of the Government. He wanted an opportunity to earn his living.

Nosenko said:

> The only thing I want to know, and I ask this question, what should I expect in the future?

The Deputy Chief SB replied:

> The following awaits. As I presented it, you wanted to come to the United States to have some job, some chance for future life which gives you security, and if possible, the opportunity to work in this field which you know; is that correct?
>
> Nosenko: Absolutely.
>
> Deputy chief SB: The Director has said yes, flatly, absolutely yes, in fact, I would say enthusiastic. That is the only word to describe it. We talked about it, and since this was a business discussion, I will repeat all of it. The next thing will be some details that we spoke about. We talked about the means by which you could have a solid career with a certain personal independence. Because of the very great assistance you have been to us already, and because of this desire to give you a backing, they will give you a little additional personal security. We want to give you an account of your own, a sum at the beginning of just plain $50,000, and from there on, as a working contract, $25,000 a year. But in addition, because of the case."

Which I have said I cannot otherwise identify, in which a KGB penetration had been arrested on the basis of Nosenko's information:

> But, in addition, because of this case, which would have been impossible without your information, we are going to add at least $10,000 to this initial sum.

So he was being paid, he was being assured of a bonus of $10,000 for his excellent performance in connection with one case. That commitment was subsequently reiterated in almost those exact words on a later occasion when he was on his way back to the United States.

Once Nosenko arrived in the United States, there were a couple of problems. The two agencies were interrogating him, although he was in the actual custody of the Central Intelligence Agency. The FBI did not at that time at least share the doubts about Nosenko which the Agency had. They regarded him as a bona fide defector, and considered that his information was valid and useful. It shows in the record that at a later date Mr. Hoover expressed himself as believing that Nosenko was a valid defector but that Mr. X was a provocateur. So there was a direct conflict between the two agencies on this subject.

The position of the Central Intelligence Agency was that it faced a dilemma as to how to keep Nosenko sufficiently isolated so that he could not communicate with his supposed "KGB controllers," who were still masterminding his activities, while at the same time keeping him sufficiently cooperative to be debriefed.

The dilemma was compounded by the fact that while the FBI was primarily interested in ascertaining from Nosenko valid information which they presumed him to have, the interest of the Agency was not particularly in obtaining valid information because the Agency assumed that he would not be giving valid information except incidental to establishing falsely his bona fides.

Therefore, the Agency thought, the Agency effort was devoted to a plan to break him. "Break him" meant getting him to confess to what was presumed by the Agency to be the case that he was a dispatched KGB agent still functioning under KGB control, although in American hands.

On February 12, 1964, Nosenko was lodged in a CIA controlled house under constant guard, while being treated in a friendly fashion. Yet, he was, during all this time, still worried about his

status because there was a certain unreality, I would say, about his situation.

He had been assured that he was going to be granted a salary and that he was going to have a job and so forth. But he was kept very isolated, he was under guard at all times, and he was being interrogated periodically by the FBI and by the Agency.

His fear, as he recounts it now, is that he was worried about being milked of information, after which he might be discarded. He didn't know what would happen if he were discarded because he still had a very active fear, as he does to this day, that the KGB would like either to kidnap him or kill him.

He nevertheless remained tractable and cooperative for the first few days, although in the succeeding weeks he became more difficult. He had a serious personality crisis, which led to heavy drinking, and he got to the point where he was starting out the day with a drink and was continuing to drink more or less continually throughout the 24 hours, except for those times when he was asleep.

This, once again, has a tendency to vitiate some of the testimony. But I would say that one can certainly say that there is no particular reason to believe that what he was saying wasn't in good faith, despite the fact that it may have been inaccurate because of the amount of alcohol.

An interesting point is that at about this time, while Nosenko was still in this friendly confinement, a Soviet defector who had been with us for some time and who was doing research for us noticed that there were serious discrepancies between the so-called transcripts of the 1962 meetings and the tapes from which these transcripts had allegedly been made.

This particular Soviet defector who is very thorough, very conscientious, wrote a memorandum to the deputy chief "SB" saying that these transcripts do not resemble in many respects the tapes—and here I am afraid I am speaking from memory, but I think my memory is accurate—I think he named 150 discrepancies which he had found in a cursory review of the tapes, and he offered to make a full report of the other discrepancies which might exist.

Insofar as the record shows—and we examined the record quite carefully to see if there was any reply—we cannot find anything which indicates that the defector was asked to make a full examination and a full report of the discrepancies.

I cannot account for this, but in any case, it can be said with certainty that the responsible people who—or at least one of the responsible people running this operation was in a position to know that the transcripts were not accurate and did not take the trouble to ask for a more accurate version.

The next step, since the interrogations conducted by the CIA, which as I say were designed not to ascertain information so much as they were to pin on Nosenko the label of a KGB agent acting to deceive us, since nothing had been proved in the friendly confinement, the people running the operation determined that the next step would be a confinement—much more spartan was the word used in the Rockefeller report—a much more spartan confinement was appropriate and a so-called hostile interrogation.

Therefore, they examined the ways in which this might be conducted and they decided to apply to Nosenko's handling approximately the conditions under which an American citizen, Prof. Frederick Barghorn, had been confined for a period of time in Moscow in 1963.

You may recall that Professor Barghorn happened, fortunately for him, to be a personal friend of President Kennedy and President Kennedy made a personal appeal to Prime Minister Khrushchev and—Secretary General Khrushchev.

On the basis of President Kennedy's appeal, Professor Barghorn was released by the KGB and came back to this country and had been extensively debriefed on how he had been treated.

Therefore, it was decided that Nosenko would be given the same treatment.

What was to happen was that he was to be given the first of the three polygraph tests that he had in the course of this period during which he was under suspicion, and after the polygraph test, he would be told that he had failed the polygraph test and then would "be arrested"—I put that in quotes—they would act as if he were being arrested. I will come back to the matter of the polygraphs later.

He would then be taken to an area where he would be treated as if he were being put in prison. He would be forced to strip, put on prison clothes, and so on.

The effort would be to put him at a psychological disadvantage, to shake his confidence, to make him fearful. The guards at the house were given instructions that there must be no physical mistreatment of him, but that they were not to talk to him, they were not to smile at him, they were to treat him very impersonally.

The original plan for the so-called cell in which he was to be confined did not envisage even the existence of any heat in the room. It envisaged that one window would be boarded up and that there would be one 60-watt bulb burning all night.

As had been the case of Professor Barghorn when imprisoned in Moscow, he would be forced to arise at 6 in the morning and required to go to bed at 10 at night.

The food which he was to receive was described as follows: breakfast—weak tea, no sugar, porridge; dinner—watery soup, macaroni or porridge, bread, weak tea; supper—weak tea and porridge.

Now, this diet, as a result of the intervention of a medical doctor, was varied and improved. But at first this is what was planned. It never did become very good. But at any rate, it wasn't as meager as I have just described.

The man was under 24-hour visual surveillance through the door. He was not allowed to lie down on his couch during the day after he had gotten up at 6 in the morning. He was allowed to sit down on the bed or sit down in the chair.

Although originally there had been a plan for reading material, very meager amount of reading material, he was at first actually not given reading material.

There was a definite effort to deprive him of any distractions. There was in the house a TV which the guards watched, but the guards were provided with earphones so that he would not hear

the sounds of the TV, and he was not to hear anybody speak except on those occasions when the interrogators came to interrogate him.

Now, I might also add that originally he was not to have the benefit of toilet facilities. There was to be a slop pail which he was to empty once a day. But that, I am happy to say, was changed. Once again, because the Office of Security refused—which was in charge of the house—refused to some of the more extreme measures which the operational people had produced.

Now we come to the polygraph, which as I have mentioned is the first of the occasions on which Mr. Nosenko was polygraphed. This polygraph was administered on the 4th of April 1964 from 1045 to 1515 hours.

As I think was mentioned by Professor Blakey, the operator was told to tell him at the end that he had failed the polygraph.

I would like, if I may, to pause here for just a minute to say something about the polygraph, and the way that it is used properly—I do not wish to tell you gentlemen things which you already know, but I simply want to establish the way that the polygraph is normally used by the Central Intelligence Agency and has always been used by people who use it responsibly.

In the first place, the polygraph, as you know, is not a lie detector. It doesn't detect lies. It simply detects physiological changes, changes of heartbeat, changes of your respiration rate, changes in something known as galvanic skin reaction, which is electrical conductivity, which is measured by a sensor placed on your finger.

These changes are measured against a base line, and the base line is obtained by asking you rather ordinary questions, like what is your name, which presumably will not cause you anxiety, unless you are faking your name. But you ask a lot of questions and you get a base line.

It is certainly not desirable to raise the tension of the person who is going to be polygraphed if you expect to use the polygraph as an aid to getting at the truth because the tension becomes unpredictable, and then you get tracings on the tape which is run which may seem to indicate that the person is telling a falsehood, but they may simply be due to the extreme tension which you are under.

Now, the important things about this particular first polygraph, which also had a considerable influence on the later conduct of the case, was that not only was Mr. Nosenko told after the fact that he had failed the polygraph, but before the fact, a rather unusual thing—I have never heard of it being done before—was done.

An artifact which was described to him as an electroencephalograph was attached to him and he was told that in addition to all the other sensors, we were going to read his brainwaves.

Now, there was no purpose for this except as the documentary evidence shows—except to raise his tension. He was made to fear this polygraph in every way he could.

The first polygraph has been adjudged invalid because of the manner in which it was conducted. The use of these extra strains and stresses might be used in a hostile interrogation if you didn't expect to use the results of the polygraph to support what the man eventually said.

But you cannot reconcile using the polygraph in this way if you expect to use the tracings to indicate whether or not the person is lying.

A point which is important here is, however, that when the results of this polygraph were reported upwards through the chain of command, there was no indication that there had been any special circumstances surrounding the giving of a polygraph.

On the contrary, the report up the chain of command from chief SB simply said that the polygraph had obtained significant reactions.

It was after this polygraph that Mr. X was brought deliberately into the case to assist the interrogators to examine the answers which Nosenko gave, and to suggest further questions.

As I have mentioned, he was given voluminous material relating to the case to analyze.

Mr. Nosenko then remained in solitary confinement, under constant visual observation, until, if my memory serves me correctly, August 1967. There was a change of the location, but that bore no particular significance because he was treated approximately the same way in both locations.

Insofar as I could tell from reading a vast number of documents, the expectation and the assumption on the part of the top level leadership of the Agency was that Mr. Nosenko was being interrogated, questioned, whatever you wish to call it, during the entire time that he was incarcerated.

Mr. DODD. Mr. Hart, could you please speak up a little bit. You are fading on me.

Mr. HART. Insofar as I can tell, the assumption among the top leadership of the Agency was that during this period of incarceration Mr. Nosenko was being questioned or interrogated. That is flatly contrary to the facts because although he was incarcerated for 1,277 days, on only 292 days was he in part questioned.

We do not know—it is difficult to tell just how many hours of questioning there took place on these 292 days, when he actually was questioned. The rest of the time, which is 77 percent of the total time of incarceration, he was left entirely unoccupied and was not being questioned.

There was, in other words, no effort being made to get at more information which he might have.

The justification for not dealing with Mr. Nosenko was that the lack of any contact would put additional pressure on him, pressure to confess that he was a dispatched KGB agent.

This was eventually surfaced in a memorandum which went to the Director, and it was stated that the interval in isolation will be extremely valuable in terms of allowing subject to ponder on the complete failure of his recent gambits.

His gambits, which may or may not have been gambits, included a period when he was hallucinating while incarcerated and totally inactive.

The eventual conclusion of the medical officer who examined him was that he was feigning these hallucinations, but that was simply one medical officer's opinion.

I am prepared to suggest to the staff, if they wish to look at it, they examine some evidence which has been scientifically collected specifically by the Russians which show that long periods of isolation do lead to hallucination.

So, it may have been well that in addition to the other problems which we face in connection with this, or have faced in connection with Mr. Nosenko, that there was a period when he was hallucinating.

Now, I am not here speaking as a technical expert on this subject, but I have examined some technical works on the subject of the effects which long confinement of this sort could have.

I will have to pause here for a minute to get a date, if I may. Well, I will get the date for you in just a minute.

But Mr. Helms, the then Director, became very impatient with the large amount of time spent on this case and the failure to come to a conclusion as to the credibility of this man.

Specifically, this was on August 23, 1966. He set a limit of 60 days for the people who were handling this case to wind it up.

This resulted in a period of frenetic activity because the people handling the case felt that it was impossible to prove the man's guilt and they couldn't conceive of any way of getting at the truth unless some additional measures were taken.

In September 1966 a proposal which they had made that the man be interrogated, Mr. Nosenko be interrogated under the influence of sodium amytal, which was believed to be a drug which lowered the defenses of a subject and made him more vulnerable to questioning, was turned down by the Director, who refused to permit interrogations using drugs.

The staff handling the case therefore took refuge once again on the polygraph and they submitted Mr. Nosenko to a second series of polygraphs, which continued from October 19 through October 28, 1966.

These are the series of polygraphs which we have been told by Mr. Arther of Scientific Lie Detection are the most valid of the polygraphs which were given the man.

We take serious exception to the statement, the judgment given by Mr. Arther that these were valid polygraphs for a number of reasons.

We take serious exceptions to them partly because we have no understanding of the basis for Mr. Arther's conclusions, and we have doubts that Mr. Arther examined all the relevant data in connection with making this judgment.

When Mr. Arther visited the Central Intelligence Agency in connection with evaluating the polygraphs, he did not, as I understand it, evaluate the 1962 polygraph, only the series of polygraph examinations made in 1966.

He was offered the Agency's own 1966 evaluations of the examinations as part of providing him with all the data available. He declined to see the Agency's evaluations.

Since the October 18 test was the most significant because it was the one which had to do with the Oswald matters——

Chairman STOKES. I wonder if the gentleman would suspend for just a minute. It is about 1:30 now. I wonder if you could give the committee some indication as to about how much longer you think you will go, and then perhaps we can judge whether this is an appropriate time for us to take a recess.

Mr. HART. I can wind this up, Mr. Chairman, in about 15 minutes.

Chairman STOKES. You may proceed then, sir.

Mr. HART. As I was saying, the Agency attempted to give the examiner, Mr. Arther, as much data as they could, in order to make a meaningful analysis. However, he did not accept all the data which they were offered.

The examiners at the Agency feel that it would be very hard for anybody, any expert, themselves or anybody else, to make an evaluation of these, of the tapes of this series of polygraphs without knowing the surrounding conditions, and there were a number of serious conditions which would interfere with a satisfactory polygraph.

For one thing, the times involved in this series of polygraphs were excessive, were very excessive. It is a principle of polygraphing, on which most polygraphers agree, that if you keep the person on the machine for too long, the results, the effectiveness of the polygraph declines.

In the case of this series, on the first day the man was kept on it, on the polygraph machine, for 2 hours. On the second day he was kept on the polygraph for a total of almost 7 hours, and for comparable periods of time leading to a total of 28 hours and 29 minutes of time on the machine. In addition to that, it was later discovered that while he was actually not being interrogated, he was also left strapped on the chair where he was sitting so that he could not move. And so while lunchbreaks were being taken, he actually was not being interrogated but he was still strapped to the chair.

Now these lunchbreaks, or whatever they were, perhaps they were also used as time for further preparation of questions. But at any rate, the record shows that they lasted, for example, on October 20, from 12:15 to 3:30, and on October 21, from 12:45 to 4:45. That is 4 hours that the man was left in the chair with no rest.

In addition to that, the operator was guilty of some provocative remarks. He told, before the polygraph examination, one of the polygraph examinations began, he told Nosenko that he was a fanatic, and that there was no evidence to support his legend, and your future is now zero.

The operator also on another occasion preceded his interrogation by saying that the subject didn't have any hope, there would be no hope for subject, and he might go crazy, to which Nosenko replied that he never would go crazy. Thus the combination of an antagonistic operator who, I might add, was by now not operating under the auspices of the CIA Office of Security, but who was operating under the aegis of the chief of SB and the deputy chief of SB, the fact that the man was kept for extraordinary lengths of time strapped into the chair, all of these add up, in the estimation of the CIA examiners who have gone over this series of tests, to an invalid polygraph.

Now in the handwriting of the deputy chief SB, who was a day-to-day supervisor of the activity which I have been describing, it is—there is an admission which implies fairly clearly that there was no intention that this 1966 series of polygraphs would be valid.

I read here a direct quotation which exists in writing, and most of it is in the handwriting of the deputy chief of SB. Speaking of the aims to be achieved by the 1966 polygraph examinations, he writes:

> To gain more insight into points of detail which we could use in fabricating an ostensible Nosenko confession, insofar as we could make one consistent and believable even to the Soviets, a confession would be useful in any eventual disposal of Nosenko.

Now he doesn't clarify what he means in this document by "disposal," but it is apparent that——

Mr. SAWYER. Excuse me.

Did you use the term "eventual disposal of him"?

Mr. HART. I used the term "the eventual disposal," yes, sir.

Mr. SAWYER. Thank you.

Mr. HART. I want finally to address myself very briefly to the two reports which were turned out, one of which, both of which have been described by Professor Blakey. One was actually about 900 pages, but it came to be called the thousand paper simply because of its extraordinary size.

That was originally, it had originally been hoped that that would be the official CIA write-up on the subject, but there was no agreement between the CI staff and the SB Division on this paper, in part because the SB paper had an implication in it that Mr. X, of whom I have previously talked, had contradicted himself and was not totally reliable. I read here an excerpt in which the chief of the SB Division is talking: "Chief CI said that he did not see how we could submit a final report to the bureau" meaning the FBI "if it contained suggestions that Mr. X had lied to us about certain aspects of Nosenko's past. He recalled that the Director of the FBI had stated that in his opinion Mr. X himself was a provocateur and a penetration agent."

Thus, what happened was that a long negotiation took place during which a briefer paper, which as I remember is 446 pages long, was eventually produced, and this became the agreed document, agreed between the CIA staff, I mean the CIA-CI staff and the SB Division, until such time as Mr. Helms, exasperated by the long delays on this case and dissatisfied with the results, took the matter out of the hands of both the SB Division and the CI staff, turned the matter over to his Director, Admiral Rufus Taylor, and Admiral Taylor brought in the Office of Security to try to resolve the case.

I have nothing more to say about the resolution of that case because it has been adequately covered by Professor Blakey's presentation this morning.

That is all I have to say in this presentation, Mr. Chairman.

Chairman STOKES. Thank you, sir.

I think this is probably an appropriate place for us, then, to take a recess.

The committee will recess until 2:30 this afternoon, at which time we will resume questioning of the witness.

[Whereupon, at 1:43 p.m., the select committee was recessed, to reconvene at 2:30 p.m.]

AFTERNOON SESSION

Chairman STOKES. The committee will come to order.

The Chair recognizes counsel for the committee, Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman.

Mr. Chairman, I would only like to state for the record that I have spoken to Mr. Arther, the committee's polygraph consultant, and his account of the events leading to the writing of his report are significantly different than those stated today by Mr. Hart, and I understand that Mr. Hart has stated that he was only repeating what was told to him by the Office of Security. But for the record, Mr. Arther states that he accepted and read all materials made available to him by the CIA and considered all of these materials in reaching these conclusions.

That is all I have to say, Mr. Chairman.

Thank you very much.

Chairman STOKES. Thank you, Counsel.

The Chair will recognize the gentleman from Connecticut, Mr. Dodd, for such time as he may consume, after which the committee will operate under the 5-minute rule.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Hart, thank you for your statement this morning.

Mr. Hart, let me ask you this question at the very outset.

Would it be fair for me to conclude that it was the responsibility of the Central Intelligence Agency to find out, from whatever available sources between late 1963 and 1964, what the activities and actions of Lee Harvey Oswald were during his stay in the Soviet Union?

TESTIMONY OF JOHN HART—Resumed

Mr. HART. Congressman, I want to answer that by telling you that I do not know——

Mr. DODD. Let me say this to you, Mr. Hart.

Wouldn't it be a fair assessment that the Central Intelligence Agency had the responsibility during that period of time to examine whatever information could point to or lead to those activities, to provide us with information regarding Lee Harvey Oswald's activities in the Soviet Union? Isn't that a fair enough, simple enough statement?

Mr. HART. Sir, I can't agree to that in an unqualified manner for several reasons. May I give the reasons in sequence?

Mr. DODD. Go ahead.

Mr. HART. In a telephone conversation between the then Director of Central Intelligence, John McCone, and Mr. J. Edgar Hoover, which took place on the 16th of November 1963 at 11:20 a.m., Mr. McCone said:

> I just want to be sure that you were satisfied that this agency is giving you all the help that we possibly can in connection with your investigation of the situation in Dallas. I know the importance the President plays on this investigation you are making. He asked me personally whether CIA was giving you full support. I said they were, but I just wanted to be sure that you felt so.

Mr. Hoover said "We have had the very best support that we can possibly expect from you."

Then the implication through the rest of this document, which I am perfectly happy to turn over to the committee, is that Mr. McCone and Mr. Hoover feel that the main responsibility for the investigation falls on the FBI.

My second point is that when I came on board in the Agency, having been recalled in mid-June, I asked about the responsibility for the Lee Harvey Oswald matter because I knew that he had entered into the overall Nosenko case. I was told that the responsibility for the investigation had rested almost entirely with the FBI. There were a couple of reasons for that.

First, it was understood, although I realize that there had been violations of this principle, Mr. Congressman, it was understood that the jurisdiction of the Central Intelligence Agency did not extend within the territorial limits of the United States, and the Central Intelligence Agency had no particular, in fact, did not have any assets capable of making an investigation within the Soviet Union, which were the two places really involved.

Third, I want to say that in my own investigation, since I intended to depend entirely or almost entirely on documentary evidence for the sake of accuracy, I ruled out going into the Lee Harvey Oswald matter because I realized that I could not possibly have the same access to FBI documents which I had in the Agency where I had formerly been employed which gave me complete access to everything I wanted.

Mr. DODD. Mr. Hart, as I understand what you have given me in response to my question is the fact that you assumed that the FBI was principally responsible for the investigation, and that Mr. McCone, as Director of the Central Intelligence Agency, in his conversation with Mr. Hoover, indicated that he would be cooperating fully in that investigation. So to that extent, and that is the extent I am talking about, it was the responsibility of the Central Intelligence Agency to cooperate in a responsible fashion in ferreting out whatever information would bear on the activities of Lee Harvey Oswald when he was in the Soviet Union, utilizing whatever sources of information were available to the Central Intelligence Agency in achieving that goal.

Is that not a correct and fair statement of the responsibilities of your Agency?

Mr. HART. Insofar as I am aware of them. Keep in mind please, Congressman, that I had nothing to do with this case. I do not know about——

Mr. DODD. I am asking you Mr. Hart, for a comment about the activities of the Agency, not specifically your actions as one individual. You spent 24 years with the Agency, so you are familiar with what the responsibilities of the Agency are.

Mr. HART. My response to that is that I believe that the Agency should have done everything that it could to assist the FBI. I do not know exactly what the Agency did to assist the FBI, nor do I know what relevant assets or capabilities the Agency had during the time we are concerned with to take any relevant action.

Mr. DODD. All right.

But you are answering my question; you are saying, "yes," in effect. It was their responsibility to assist the FBI or do whatever else was necessary in order to gain that information about Lee Harvey Oswald's activities when he was abroad.

Mr. HART. Congressman, I have to repeat that there may have been agreements between the Agency and Mr. Hoover or other parts of the Government of which I am not aware. I, for example, am virtually without knowledge of a very long span of time during which the Director of the Central Intelligence Agency and Mr. Hoover were barely on speaking terms. I know that it was very difficult for the two Agencies to get along. I do not happen to know the reasons for it, and I am in no position to judge what they did, why they did it or what they should have done in order to resolve the lack of cooperation.

Mr. DODD. Well, after listening to your statement for 1 hour and 40 minutes this afternoon, do I take it that you would concede the point that, as the CIA's activities pertain to one vitally important source, potential source of information namely, Mr. Nosenko, that in the handling of that potential source of information, as it bore on the assassination of a President of the United States, the Central Intelligence Agency failed in its responsibility miserably?

Mr. HART. Congressman, within the context of the total case, I would go further than that. I would say that the Agency failed miserably in its handling of the entire case, and that since the Lee Harvey Oswald question was part of that case; yes.

Mr. DODD. And, Mr. Hart, I am not going to—I will ask you if you recall with me, basically, the conclusion or one of the conclusions of the Warren Commission report.

Were we not told in the conclusion of the Warren Commission report that "All of the resources of the U.S. Government were brought to bear on the investigation of the assassination of the President," and in light of your last answer, that conclusion was false?

Would you agree with me?

Mr. HART. Well, Congressman, I do not like to have my rather specific answer extrapolated.

Mr. DODD. But we do consider the Central Intelligence Agency to be part of the U.S. investigatory body; don't we?

Mr. HART. I do.

Mr. DODD. And you just said they failed miserably.

Mr. HART. I said they failed miserably in the handling of this whole case.

Mr. DODD. Therefore, it would be fair to say that the conclusion of the Warren Commission report in its statement that all of the resources of the U.S. Government were brought to bear in the investigation of the death of the President is an inaccurate statement. That is not a terribly difficult piece of logic to follow, I don't think.

Mr. HART. It requires me to make a judgment, which I am not sure that I am willing to make, because I can think of possible other evidence which might come up which might show that there is a case to support the fact that the leader, top leadership of the Agency, may have thought they were bringing all their resources to bear. I simply do not know that.

Mr. DODD. The only question left, it would seem to me, in going back to Mr. Blakey's narration at the outset of this part of our

investigation, where he noted that the Nosenko case was important in two areas. One had to do with the efficiency, the effectiveness, the thoroughness of the CIA's performance, and, second, the credibility of Mr. Nosenko.

It would seem to me, in response to the last series of questions you have just given me, that we have answered the first question, and what is left is the second question, that is, whether or not this committee and the American public can believe Mr. Nosenko's story with regard to the activities of Lee Harvey Oswald during his tenure in the Soviet Union.

And Mr. Hart, I would like to ask you, in light of your testimony today, again going more than an hour and a half, why should this committee believe anything that Mr. Nosenko has said when, after your testimony, you state that he was intimidated, not interrogated, for more than 3 years, that he was probably hallucinating during various stages of that interrogation, that he was, according to your testimony, a man of a very short memory; that he was drunk or at least heavily drinking during part of the questioning; that there are no accounts, verbatim accounts, of some of the interrogation but rather notes taken by people who didn't have a very good knowledge of Russian. Why then should we believe any of the statements of Mr. Nosenko, which from point to point contradict each other, in light of the way he was treated by the Central Intelligence Agency from the time he defected in January of 1964 until today?

Mr. HART. I believe that there are important reasons why you should believe the statements of Mr. Nosenko. I cannot offhand remember any statements which he has been proven to have made which were statements of real substance other than the contradictions which have been adduced today on the Lee Harvey Oswald matter, which have been proven to be incorrect. The important things which he has produced, which we have been able, which the Agency have been able to check on, have, by and large, proved out. The microphones were in the Soviet Embassy. He has clarified the identities of certain Soviet agents who are in this country. His information led to the arrest of an extremely important KGB agent in an important Western country. The volume of material which he has produced far exceeds my ability to have mastered it but it has been found useful over the years, and to the best of my knowledge, it has been found to be accurate.

Mr. DODD. What you are asking us, therefore, to believe is, because Mr. Nosenko may be credible on certain issues and in certain areas, he is therefore credible in all areas.

Mr. HART. No, sir. I am not asking you to believe anything in connection with his statements about Lee Harvey Oswald. I am only asking you to believe that he made them in good faith. I think it is perfectly possible for an intelligence officer in a compartmented organization like the KGB to honestly believe something which is not true.

Mr. DODD. Which statements of Mr. Nosenko's would you have us believe? Have you read, by the way, the report that we sent you, a 40-page report, that was sent last week to the Central Intelligence Agency pursuant to the request of the Agency?

Mr. HART. Are you speaking of the report which, the essence of which, Professor Blakey read today?

Mr. DODD. Yes, I am.

Mr. HART. Yes, I have read that.

Mr. DODD. You have read that report?

Mr. HART. Yes.

Mr. DODD. I am curious, Mr. Hart, to know why—it was my belief and understanding, and I am really curious on this point—why it was that you didn't address your remarks more to the substance of that report than you did? I don't recall you once mentioning the name of Lee Harvey Oswald in the hour and 30 minutes that you testified, and I am intrigued as to why you did not do that, why you limited your remarks to the actions of the Central Intelligence Agency and their handling of Nosenko, knowing you are in front of a committee that is investigating the death of a President and an essential part of that investigation has to do with the accused assassin in that case; why have you neglected to bring up his name at all in your discussion?

Mr. HART. The answer is a very simple one, Congressman. I retired some years ago from the Central Intelligence Agency. About 3 weeks ago I received a call from the Central Intelligence Agency asking me to, if I would, consent to be the spokesman before this committee on the subject of the Nosenko case. I said that I will be the spokesman on the subject of the Nosenko case but I will not be the spokesman on the subject of Nosenko's involvement with Lee Harvey Oswald. That was a condition of my employment. And if they had attempted to change that condition before I came before this body, I would promptly have terminated my relationship because I do not want to speak about a subject concerning which I do not feel competent.

Mr. DODD. Do you appreciate our particular difficulty here today in that our responsibility and obligation is to focus our attention more directly on that aspect than on the other, and that we are a bit frustrated in terms of trying to determine what the truth is with regard to the activities of the Agency as they pertain to Mr. Nosenko's statements regarding the activities of Lee Harvey Oswald?

Mr. HART. Congressman, I fully appreciate the difficulty, but I must observe that it is not a difficulty which I created. I was perfectly frank about what I was willing to testify about and what I was not willing to testify about.

Mr. DODD. So it would be fair for me to conclude that really what the Central Intelligence Agency wanted to do was to send someone up here who wouldn't talk about Lee Harvey Oswald.

Mr. HART. I personally would not draw that conclusion, but I think that is a matter best addressed to the Director of Central Intelligence rather than to me.

Mr. DODD. Well, you told them you wouldn't talk about Lee Harvey Oswald and they said that is OK you can go on up there.

Mr. HART. I told them, once I came on board, that is as I saw it, a crucial question lay here in the credibility of Lee Harvey—of Nosenko, and that I thought I was qualified to address myself to the question of the credibility of Nosenko, now I mean the general credibility of Nosenko.

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Mr. DODD. But you cannot really testify as to the credibility of Mr. Nosenko with regard to statements he may have made about Lee Harvey Oswald's activities in the Soviet Union.

Mr. HART. I can say this, and here you realize that I am entering into an area of judgment, it is my judgment that anything that he has said has been said in good faith. I base that judgment on an enormous amount of work on this case in which I see no reason to think that he has ever told an untruth, except because he didn't remember it or didn't know or during those times when he was under the influence of alcohol he exaggerated.

Mr. DODD. You understand our difficulty. We are trying to find out which one of his statements are true. All right?

Do you have that report in front of you, by the way, the one that we sent you?

Mr. HART. No, sir; I do not have it in front of me.

Mr. DODD. Mr. Chairman, could we provide the witness with the copy?

Chairman STOKES. Do you have it with you, sir?

Mr. HART. I have what we were given this morning, which is substantially the same thing, I believe, as the one we received. I believe that Professor Blakey had some items in this morning which were not even in here; is that correct, sir?

Mr. BLAKEY. The report as read is a partial reading of what was there. The narration that preceded it was not given to you before you came, although of course it was given before you testified. The report that was given to the public is substantially the report that was given to you. There have been some grammatical changes in it, correction of some typographical errors, but all matters of substance are the same.

Mr. HART. Thank you.

Mr. DODD. Is that a complete copy of the report that Mr. Hart has in front of him?

Mr. BLAKEY. Yes.

Mr. DODD. Mr. Hart, just some of them. I don't want to belabor this point but to impress upon you the difficulty we have in light of what you have said this afternoon, in terms of us trying to determine what in fact we can believe from Mr. Nosenko's story. Turn to page 27 or 28 of that report, if you would, please, 27 first. Look down around the middle of the page, and let me begin reading there in our report.

Speaking to the CIA on July 3, 1964, Nosenko was specifically asked whether there was any physical or technical surveillance on Oswald, and each time he replied "No."

In 1964, after stating to the CIA that there was no technical and physical surveillance of Oswald, Nosenko made the following statement upon being asked whether the KGB knew about Oswald's relationship with Marina before they announced that they were going to be married:

Answer. "They (KGB) didn't know she was a friend of Oswald until they applied for marriage. There was no surveillance on Oswald to show that he knew her."

Although in 1978 Nosenko testified that there were seven or eight thick volumes of documents in Oswald's file, due to all of the surveillance reports and that he could not read the entire file because of them, in 1964 he told the FBI agents that he "thoroughly reviewed Oswald's file." There was no mention of seven or eight thick volumes of surveillance documents.

Now, there, and I should have probably started up above, but there we have two cases where, one, he is claiming that there was no surveillance. Then he is stating there was surveillance. He is telling us that he, on the one hand, didn't have the opportunity or didn't see any reports on Oswald from Minsk and then turns around and says that he did have a chance to look at them.

Which can we believe?

I mean these are two contradictory statements by a man who, according to your testimony, may be acting in good faith, but we are confronted with two different sets of facts.

Which do we believe? Can we in fact believe him, if we accept your testimony this afternoon that he went through this outrageous treatment for a period of more than 3 years?

Mr. HART. Congressman, I think what this boils down to, if I may say so, is a question of how one would, faced with a choice as to whether to use this information or not, would do so. It would be a personal decision. If I were in the position of this committee, I frankly would ignore the testimony of Mr. Nosenko but I wouldn't ignore it because I think it was given in bad faith.

Let me express an opinion on Mr. Nosenko's testimony about Lee Harvey Oswald. I, like many others, find Mr. Nosenko's testimony incredible. I do not believe, I find it hard to believe, although I, as recently as last week, talked to Mr. Nosenko and tried to get him to admit that there was a possibility that he didn't know everything that was going on, I find it very hard to believe that the KGB had so little interest in this individual. Therefore, if I were in the position of deciding whether to use the testimony of Mr. Nosenko on this case or not, I would not use it.

I would like to say, just to conclude my remarks, let me tell you why I don't believe it. I had 24 years of experience in a compartmented organization, and I was chief of several parts of the organization which had done various things at various times which came under investigation, happily not while I was in charge of them. I will make one specific, give you one specific example.

I was once upon a time chief of what we can call the Cuban Task Force, long after the Bay of Pigs, within the Agency. At some point I was asked whether I knew anything, whether I thought there had been an attempt to assassinate Castro. I said in all good faith that I didn't think there had. I had absolutely no knowledge of this. It had been kept from me, possibly because my predecessor several times removed had taken all the evidence with him. I didn't know about it, but I said it in good faith. And I think it is very possible that an officer of Nosenko's rank might have functioned within the KGB and not known everything which was going on in regard to this particular man.

Mr. DODD. So you would suggest to this committee that we not rely at all on Mr. Nosenko for information that could assist us in assessing the activities of Lee Harvey Oswald in the Soviet Union?

Mr. HART. I believe as a former intelligence officer in taking account of information of which there is some independent confirmation if at all possible, and there is no possibility of any information, independent confirmation of this, and on the face of it, it appears to me to be doubtful. Therefore, I would simply disregard it.

Mr. DODD. I would like to, if I could—first of all, do you still maintain your security clearance?

Mr. HART. Yes, sir. I have. It is restored when I go back to the Agency to do work such as this, yes.

Mr. DODD. Now your statement at the outset was that there was communication and contact between the FBI and the CIA with regard to the investigation, and in fact the FBI was principally responsible, and that the CIA was to assist.

Is that a fair summation of what the memo indicated?

Mr. HART. To the best of my knowledge, yes. I produced this thing in which the Director of Central Intelligence, Mr. McCone, says to Mr. Hoover, "Well, you can call on us for anything we have." I think the implication is perfectly clear, that Mr. McCone is offering to be helpful to Mr. Hoover but is implying that he is playing a secondary role in this matter.

Mr. DODD. So that it would be fair to characterize the actions of the FBI as being that of principally responsible for the investigation into the assassination and calling upon the Central Intelligence Agency to respond in areas where the Agency had particular expertise or knowledge that was not available to the FBI?

Mr. HART. Yes, sir.

Mr. DODD. So we talk about Lee Harvey Oswald's activities abroad, and we have a potential defector who has indicated to the Agency that he has some specific knowledge with regard to the activities of Lee Harvey Oswald during his stay in Russia, his activities abroad. That would legitimately fall into that category, an area where the Central Intelligence Agency would have a specific expertise or knowledge that was not necessarily available to the FBI?

Mr. HART. Yes, sir.

Mr. DODD. Now in our report, at the bottom of page 4 and top of page 5, it states, and I will quote from the report: "Statements by Nosenko at the time of his contact with the CIA in 1964 revealing he had information about Lee Harvey Oswald led to his being questioned by the FBI upon arrival in the United States. He was interviewed in late February and early March. It is not known if these sessions were tape recorded, but as of today, all that exists are statements prepared by the interrogating FBI agents."

Do you have any reason to question that as being an accurate statement of the circumstances?

Mr. HART. I have no reason to question it.

Mr. DODD. I would like, Mr. Chairman, if I could, to give to Mr. Hart, and the reason I asked him whether or not he had a security clearance, I would like to give him a copy of a secret report from the Department of Justice. And I want to be very careful, Mr. Hart. I am going to ask you only about those areas that have been declassified in the report, and I have them specifically, but I would like you to have this.

[Clerk hands Mr. Hart the report.]

Mr. HART. Thank you, ma'am.

Mr. DODD. I wonder if you might, Mr. Hart, turning to page 5 of that report, I think it is question 8 on there, could you read the question to me, and then I would like you to limit your remarks to the first six lines ending with the word, I think it is two sentences there, the first two sentences, ending with the word "received."

Do you see where I want you to terminate?

Mr. HART. Yes, sir; I do.

Mr. DODD. Would you read the question and read the response, please?

Mr. HART. "If the answer to question 6 is different from the response to question 7, when did the change occur and why?"

The answer is "The FBI had no direct access to Nosenko from April 3, 1964 until April 3, 1969 and therefore was not in a position to make an objective assessment of his bona fides nor of the veracity of information furnished by him. Thus information provided by him in early 1964 was accepted at face value and qualified in terms of the source and the conditions under which it was received."

Mr. DODD. Now could you look on page 6 and read the question and answer to question 12?

Mr. HART. The complete answer?

Mr. DODD. The complete answer there and the complete question, yes.

Mr. HART. "What was the FBI's position from 1964 to 1968 on whether Nosenko was telling the truth in the statements he made to the FBI about Oswald?

"Answer: The FBI did not take a position from 1964 to 1968 on whether Nosenko was telling the truth in the statements he made to the FBI about Oswald. The statements were accepted at face value and qualified in terms of the source and the conditions under which they were received."

Mr. DODD. And now lastly, Mr. Hart, I would like you to on page 7 read the complete question and the complete answer to question 15.

Mr. HART. "Question: Did either the FBI or the CIA have primary responsibility for investigating Nosenko's statements about Oswald? If neither had primary responsibility, was there any division of responsibility?

"Answer: The FBI had primary responsibility for investigating Nosenko's statements about Oswald that pertained to his, Oswald's, activities in the United States, including the assassination of President Kennedy. The CIA had primary responsibility for investigating Nosenko's statements about Oswald's activities abroad."

Mr. DODD. I would now, Mr. Chairman, ask the clerk to pick up that secret report and bring it back. And for the purpose of the record, I am not going to offer that as evidence, obviously. But for the purpose of the record, that is the FBI's sworn statements in response to questions that this committee posed to the FBI regarding this specific source of information.

Chairman STOKES. I take it then the gentleman just wants the declassified portion that he examined on as a part of the record.

Mr. DODD. Only what I had Mr. Hart read into the record should be considered as part, as public record.

I would like to ask you, Mr. Hart, whether or not you would take issue with that last question, last response, with regard to the areas of responsibility, according to the FBI's assessments?

Mr. HART. I do not take issue with it.

Mr. DODD. Then I would like to come back once again, if I could, to my first question to you, and that is, whether or not it was not in fact the responsibility of the Central Intelligence Agency to ferret out, to seek out, to do whatever it could to learn everything

possible about the activities of Lee Harvey Oswald as they pertained to his activities in the Soviet Union.

Was that not in fact a responsibility of the Central Intelligence Agency including not only my assessment but the assessment of the Federal Bureau of Investigation?

Mr. HART. Yes.

Mr. DODD. Mr. Chairman, I would reserve the balance of my time and would like to come back, if I could, but I would like to give my other colleagues on the committee the opportunity to ask questions at this point.

Chairman STOKES. The Chair will protect the gentleman in the preservation of his time.

The Chair now recognizes the gentleman from Indiana, Mr. Fithian——

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES [continuing]. For 5 minutes.

Mr. FITHIAN. Mr. Hart, wasn't it knowledge at the CIA at the time those individuals were dealing with Mr. Nosenko that he was the one person, the one source, that this country had to ascertain what Lee Harvey Oswald's activities were in Russia?

Mr. HART. Congressman, I have every reason to believe that that was the case. I want to repeat what I said before, that I was among a number of thousands of people who were excluded from the knowledge of this case, but everything, every bit of common sense I have, tells me that that should have been the case, yes.

Mr. FITHIAN. Thank you.

Now to just return to one area that Mr. Dodd has already proceeded on, it seems to me very clear that to fulfill the CIA's obligations with regard to the international aspects of the assassination, that it would have been much more helpful in what must be viewed as one of the most important endeavors of early 1964, it would have been infinitely more useful for the Agency to have first tried to obtain from Mr. Nosenko all the information that they could about the President's alleged assassin.

Isn't that clear now and shouldn't it have been clear then to the Agency that that would have been a logical first step?

Mr. HART. Yes, it would have been. What I cannot judge, on the basis of the documents, and I have tried to stick very close to the documents, was whether or not they thought they had done everything that they could, because they had asked Mr. Nosenko, he had given them the information, and they may have thought they had done their bit, I am simply unable to judge what the opinions were of people at that time.

Mr. FITHIAN. In fact former Director Mr. Helms said, when asked if questions concerning Oswald did in fact constitute a major facet of the overall inquiry that was being made of Nosenko, Helms replied "Yes, no question about it."

Now if in fact the former Director is correct, and the inquiries that the Agency was making of Nosenko centered on the information he might have had on Oswald, that is, information he might have had about Oswald, it seems to me then that what you are testifying here to today, starting with, if I may just retrace your testimony, starting with the fact that in Geneva, even before the Oswald matter, the case was pretty badly handled, that is, they had an English-speaking person trying to take notes and writing down what this major potential defector was saying and then transcribing those and giving them to the Agency, right on down through the interrogation, it seems to me to underscore again that, despite the fact that Mr. Helms and others were aware that that was the No. 1 mission of the Agency, that the performance of the Agency was really pretty dismal. That is the only conclusion I can draw from it.

Am I wrong?

Mr. HART. Congressman, that would be the conclusion which I would draw. But I want to once again say that I know the limitations of my own knowledge, and I have tried, in the course of my activities in this highly controversial matter, to be sure that I kept that in mind. I too have done some writing of history, and I know that you shouldn't go beyond, you shouldn't extrapolate from facts beyond the bounds of certainty.

Mr. FITHIAN. To the best of your knowledge, did the CIA make any attempt to verify the information Nosenko provided regarding Oswald's contacts or lack of them with the KGB?

Mr. HART. I will have to think about that just a minute to see if I remember.

Yes, I can say that they did, yes. They did. They asked a number of people about this. They got a number of affirmative actions about Nosenko's statements about himself.

Now within the climate of the time, and here I have to introduce a word which was used by many persons in the CIA at that time about this whole project, the climate of the time was one of what many people called sick think, and it was concluded when a Soviet said yes, Nosenko is telling the truth, that that cast a reflection upon the Soviet who said yes, Nosenko is telling the truth. That was taken as pretty clear evidence that he himself was under KGB control. Otherwise he would not testify in favor of Nosenko's truthfulness.

Mr. FITHIAN. Mr. Hart, is this the first time that the Nosenko case has been discussed before a congressional committee?

Mr. HART. As far as I know, yes, sir; except that—well, I don't know whether the Rockefeller committee would be considered congressional or not. I gather not.

Mr. FITHIAN. I was referring to the Church committee.

Mr. HART. Oh, I cannot speak about the Church committee.

Mr. FITHIAN. At least you did not participate.

Mr. HART. No, sir.

Mr. FITHIAN. Now we have been working with the Agency and sometimes with you over the past while. If the CIA was aware of the blunders that you testified to here today, the blunders that were made during the early interrogation of Nosenko, why are we first learning about them now at the end of our 2 years of endeavor?

Mr. HART. Since I have no position of command or responsibility in the Agency, I can't tell you that.

Chairman STOKES. The time of the gentleman has expired.

Mr. FITHIAN. Thank you, Mr. Chairman.

Chairman STOKES. The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Witness, aside from what Nosenko has testified to, do you, yourself, have any knowledge of any agency relationship with Oswald?

Mr. HART. I do not.

Mr. SAWYER. When he was paid this money when he was released, as I understand it, I get two figures, but one of them would lead you to believe it was $125,000 and the other some $87,000. Do you know how much it was?

Mr. HART. The divergence between those two figures I believe had to do with the fact that the amount owed in income tax was obviously subtracted before he was given the sum.

Mr. SAWYER. So then he got $125,000 but after taxes he got $87,000.

Mr. HART. I believe that is correct, yes, sir.

Mr. SAWYER. Then you gave him another $50,000 after that; is that right?

Mr. HART. If my memory serves me, Congressman, the $150,000 was added up in bits and pieces over the years, and it included advances which were made to him when he first came to the United States, and so forth. In other words, he was allowed spending money during the time before he was actually confined in isolation, and these amounts were kept track of. When added up, the amounts, one of which was, again if my memory serves me correctly, a down payment on a house were added up, and they came to $50,000.

Mr. SAWYER. So then he got $125,000 pretax, plus he got another $50,000 when added together with a number of other items.

Mr. HART. Yes.

Mr. SAWYER. And then you paid him, then you put him on a salary or retainer or some kind or contract?

Mr. HART. Yes, sir.

Mr. SAWYER. And what salary is he getting now on that?

Mr. HART. I do not have the figures as to what his actual salary is. I will speak from memory. I believe his salary is somewhere in the lower $30,000's.

Mr. SAWYER. He told us that he came into the CIA about once a month, sometimes for a couple of days; is that about right?

Mr. HART. I do not know that, sir. I know that he comes in periodically but I do not know how often.

Mr. SAWYER. What does he do between the periods?

Mr. HART. I am afraid that what he does between the two periods is an item of classified information which I cannot discuss here in this committee.

Mr. SAWYER. Is he working for the CIA in between the periods?

Mr. HART. To a large extent, I cannot give you the percentage of time that he devotes to work as against the percentage of time that he does not devote to work.

Mr. SAWYER. Apparently as of now he is receiving $35,325 a year. Would that be about the range?

Mr. HART. That would accord with my memory, yes.

Mr. SAWYER. This arrest of Nosenko took place in the United States, did it not, as I understand it?

Mr. HART. Yes, sir.

Mr. SAWYER. Was there any kind of process or authorization or anything sought by the CIA to do this?

Mr. HART. I won't tell you what the process was. I have been advised by the CIA general counsel that if you have, if the committee has any questions as to the legal validity of this, that this question should be answered by a member of the general counsel's staff because I am not a lawyer, but——

Mr. SAWYER. I am one, and I don't think there is any question about the legal validity of it. It is a question, did you have any kind of a semblance, a process of any kind?

Mr. HART. The process is what I am about to explain. The process was a trip by Mr. Helms to the Department of Justice in which he consulted Mr. Nicholas Katzenbach who was at that time the Deputy Attorney General, and Mr. Katzenbach brought in one or two other people and they discussed the status of a person who is here on parole. The reasoning as I remember it was that a person who is here on parole was not legally within the United States, in the normal sense of the term.

Mr. SAWYER. So then on the basis of Katzenbach's OK, you made the arrest; is this correct?

Mr. HART. That is the sequence of events, yes.

Mr. SAWYER. And where was he taken after he was arrested?

Mr. HART. He was taken to a house in the suburbs of Washington, the location of which I am told is still, I am to treat as classified, and he was held there under the circumstances which I have previously outlined.

Mr. SAWYER. But then he was moved at some time, was he not?

Mr. HART. He was moved to still another place which was built especially to house him, the location of which I am not at liberty, according to my instructions, to divulge. But I can tell you what it was like, if you so desire.

His accommodations were somewhat better but they were absolutely unacceptable, in my personal opinion, from any civilized point of view.

Mr. SAWYER. But these facilities were built specially to put him in?

Mr. HART. They were, sir.

Mr. SAWYER. Would it be fair to say in some other part of the country, other than this area?

Mr. HART. In another part of the country, not in the District.

Mr. SAWYER. But in the United States?

Mr. HART. Within the United States, yes, sir.

Mr. SAWYER. And was this a windowless facility that he was kept in?

Mr. HART. It would be most closely comparable, Congressman, to a bank vault. The door to it was in fact the type of barred door which you see to protect safety deposit vaults in small banks.

Mr. SAWYER. How big a thing was he kept in? How big was this room?

Mr. HART. The exact dimensions I don't remember, but I would estimate, and I am a pretty good estimator of size, I would say between 10 by 10 and 12 by 12.

Mr. SAWYER. With no windows or ability to look outdoors or anything?

Mr. HART. Correct, sir.

Chairman STOKES. The time of the gentleman has expired.

Mr. SAWYER. Thank you.

I wonder if I could have an additional 2 minutes, Mr. Chairman.

Chairman STOKES. Without objection.

Mr. SAWYER. I understood from talking to Mr. Nosenko too that there was an episode where he became so desperate for something to do, because he was not allowed even to read, that he fashioned a little chess set out of threads he pulled out of the clothing that was put on him, to do something, and when they observed this, they confiscated that too.

Were you aware of that episode?

Mr. HART. I am, sir. That is true. He also made himself a calendar out of lint from his clothing, because he was trying to keep track of time, which as I have previously mentioned, the book I have on scientific studies of the effects of isolation, it becomes very hard when you are isolated over a prolonged period of time to keep track of time. Your sense of time simply slips, there not being any landmarks, as it were. He was desperately trying to keep track of the time, so he made himself calendars out of lint. But in the course of his having been compelled to sweep up his room or clean up his room, why these calendars were of course ruined, so he had to start all over again.

Mr. SAWYER. Another thing I didn't understand is you said that he had a bad memory.

Well, of course a bad memory wouldn't affect a polygraph test at all, would it?

Mr. HART. Yes, sir, it could.

Mr. SAWYER. How could it, in that it doesn't record whether what you are saying is correct or not? It merely records whether you are deliberately falsifying, and if you don't remember, your memory is poor, it wouldn't register against you on a polygraph?

Mr. HART. Well, it is slightly more complicated than that, sir, in that the person has to, one, know the difference between the truth or falsity of what he is saying. He also has to have a sense of guilt in regard to telling something which is untrue, and that sense of guilt is reflected in the physiological change which then registers on the polygraph.

Mr. SAWYER. But if his memory is faulty, he will be thinking he is telling the truth, but it is just faulty memory, and therefore it would not affect the validity of the polygraph.

Mr. HART. That, itself, would not affect the validity of the polygraph, in and of itself, no.

Mr. SAWYER. You also said that part of the reason for this great secrecy was because this plot, this disinformation plot, was so dangerous. Well, all you had to do is not believe what he told you and it couldn't hurt anything, could it?

Mr. HART. Congressman, if I may have permission, I would like to read an excerpt from a document which I wrote following an interview with the man whom I have called the Deputy Chief SB Division. I went to see the Deputy Chief SB Division in the middle of 1966—excuse me—1976, and I asked him questions about various aspects of this case in which he had been the prime mover really.

One of them I asked him related to a message from him from a place abroad which had gone around me. I was his chief, but he had sent me a message. He had sent a message through a channel so that I would not see it, to the chief of the CI staff, in which he had commented on the so-called Solly report, which was the Office of Security's report which was published in 1978 and which laid the basis for the rehabilitation of Nosenko. In this letter, which I ran across only because I had all files available to me, once I made my investigation, he talked about the devastating consequences, that is in quotes, "devastating consequences" of the liberation of Nosenko.

Now I want to read the document, if I may. This is a memorandum of conversation which I made immediately after my interview with this man, and I had a witness present during the time I talked to him and also during the time I made this statement.

"In an effort to approach the question of KGB objectives from another angle, Hart asked DCSB to specify what 'devastating consequences' he thought were likely to ensue from freeing Nosenko. His response to this question was also evasive. He said that inasmuch as there had been no devastating consequences, it was pointless to talk about what might have happened. To a further question as to what consequences he had anticipated that might affect him personally"—for he had said that there would be dangers to him personally—"he refused to answer on grounds that the matter was speculative."

I have no idea what he was talking about frankly.

Mr. SAWYER. And that would apply then to the plot, this misinformation plot, requiring this great secrecy in handling too, I assume.

Mr. HART. I have tried to remain fairly dispassionate in my presentation this morning, Congressman. I think it may have seeped through that, I think, this so-called plot was sheer nonsense.

Mr. SAWYER. Now, we were told by Mr. Nosenko that these periods of interrogation would run 48 hours at a stretch. Did you verify that?

Mr. HART. I cannot at this moment remember one which lasted 48 hours, but I do not doubt that that may have happened, because what they did was, they staged them at irregular hours and people came and went.

I am not sure that the records would even be able to establish the fact because the times were not always kept track of that accurately.

Mr. SAWYER. Incidentally, to who was that memo addressed, or to whom was it addressed, that made a mention of "before they dispose of him." Who was the addressee?

Mr. HART. That was not a memo. That was not a memo which went anywhere. That was written by the man I referred to as deputy chief SB, and it was a draft which he had then corrected in his handwriting.

On the outside of it it said "excised portions" of a report. So, it was something which did not go to any addressee, as far as I know.

Chairman STOKES. The time of the gentleman has again expired.

Mr. Hart, can you tell us the cost of this specially constructed house for Mr. Nosenko?

Mr. HART. It would be easy to ascertain, Mr. Chairman, but I do not happen to know how much it was. I will tell you that it must have been quite expensive because I can describe it for you briefly, if you wish, sir.

In addition to the vault it consisted of a house which disguised the vault, which surrounded it, and which contained facilities for the guard force to live and pass their time while they were guarding this man.

There was a chain link fence out at the back containing a very small area, and by that I mean an area of, I would estimate again, from seeing photographs, perhaps 12 by 16, which was built as an exercise area. Then around all that there was another chain link fence with barbed wire at the top of that.

The building, the vault itself, was a very expensive construction because it consisted of heavy steel-reinforced concrete.

Chairman STOKES. When you say that the cost is obtainable, you mean that we could obtain it from the Agency. Is that what you are saying?

Mr. HART. Absolutely, sir, yes.

Chairman STOKES. Now, as I understand your testimony this morning, when you were called back in your present capacity you conducted a study from June of 1976 until December of 1976, yourself and four assistants, with reference to ten four-door safes of documents, is that correct?

Mr. HART. Yes, sir.

Chairman STOKES. And it is from this material that you now lecture for some four and one half hours, is that correct?

Mr. HART. I have lectured on one occasion for four and one half hours. Yesterday I made a similar lecture and tried to reduce it, and did conduct the lecture followed by a question period in 2½ hours.

Chairman STOKES. During the course of this lecture, whether it be two and one half hours or four and one half hours, do you, during the course of that lecture, touch upon the Oswald portion of the CIA's activities?

Mr. HART. I make it a point to say at the beginning of the lecture that I did not investigate the Oswald matter because it was impossible for me to do so for a number of reasons, the most cogent of which is that I could never have had access to the amount of documentary evidence which I had access to in CIA, and I insisted before I agreed to make the study that I must have total access. I could not have asked for that at the FBI.

Chairman STOKES. For what reason?

Mr. HART. I don't think they would have given it to me. I was able to ask for it at the Central Intelligence Agency because I was a senior officer who had served with them for nearly a quarter of a century and they trusted me. I had built up no such record of trust at the FBI.

Chairman STOKES. You also told us this morning that a decision was made not to tell Mr. Helms about what was going on with relation to Mr. Nosenko, is that true?

Mr. HART. No, sir, I didn't say that the decision was made. I said that I drew the conclusion from the way the documents were phrased, reports to Mr. Helms were phrased, that Mr. Helms was not being adequately informed of this subject.

Now, that conclusion was based on a very large number of documents which I read and which I noticed a pattern of using words in their most harmless form.

In other words, if the documents were to speak of a polygraph examination, the documents did not speak of polygraph examinations in which we have previously attempted to frighten the man, and of the fact that they kept the man in his chair in between interrogations and so on.

I can only think of a couple of documents offhand from which Mr. Helms could have inferred the type of treatment which was being given the man.

Chairman STOKES. Didn't you say this. Didn't you say that he was not well-informed; that is, he was not given the total picture?

Mr. HART. I believe that he was not well-informed. I believe that he was not given the total picture.

Chairman STOKES. Then you added to that the fact that you yourself, in the capacity that you held at that time, with reference to two men whom you cited, you were not permitted to know certain things regarding those two men in your unit, is that true?

Mr. HART. That is absolutely true. Now, I never asked for information because I didn't know about the case.

Chairman STOKES. Well, I think the American people would probably be very much concerned about knowing what prevents that type of situation from prevailing at the CIA today; that is, how have things changed?

Mr. HART. Is that a question, Mr. Chairman?

Chairman STOKES. Yes.

Mr. HART. I can only speak from a small exposure to CIA as of the present time, so I cannot tell you all of what has changed or how. You must keep in mind that when I go back, I go back for brief periods and for a specific purpose. I am not involved in the large number of things which I was involved in before.

I do know that Admiral Turner overruled a number of his subordinates in insisting that I personally be brought back to give a series of lectures to all the newly promoted supergrade personnel through all parts, throughout all the agency on this subject.

I do know that Admiral Turner has specifically insisted that a number of his most senior people—and I don't know all of them by any means—read the rather lengthy document and annexes attached thereto, and that he has—he used the term, our escutcheon has been besmirched by this case, and said that he wanted to do everything he possibly could to see to it that there was never any repetition of this.

Chairman STOKES. But at any rate, if I understand your testimony correctly, if the agency has taken the proper steps and has initiated the kinds of reforms that will see that this kind of a situation never occurs again, you are not the proper person to tell us about those reforms, is that correct?

Mr. HART. That is correct, sir, because I have no command responsibility, no authority whatsoever. I am a one purpose person who was called back for this particular subject only.

Chairman STOKES. Now, let me ask you this.

This much we know—Nosenko was in the possession of the CIA, not the FBI, isn't that true?

Mr. HART. That is true, sir, yes.

Chairman STOKES. Now, we know that under American law the CIA has responsibility for matters outside the jurisdiction of the United States, don't we?

Mr. HART. Yes, sir.

Chairman STOKES. We know that the FBI has primary responsibility within the confines or the jurisdiction of the natural borders of the United States, isn't that true?

Mr. HART. Within the borders of the United States, yes, sir.

Chairman STOKES. Therefore, it is simple logic under law that with reference to the activities of Oswald in Russia, that would fall within the domain and the jurisdiction of the CIA, would it not?

Mr. HART. It would fall within the jurisdiction, but not necessarily the competence to do anything about that jurisdiction, yes.

Chairman STOKES. Well, being a historian, and being a part of the CIA as long as you have, you know that the CIA had a certain responsibility in terms of the investigation of the facts and circumstances surrounding the assassination of President Kennedy, do you not?

Mr. HART. Yes.

Chairman STOKES. Now, this much we also know, that Nosenko was under arrest and was in jail in the United States, isn't that true?

Mr. HART. That is right, sir.

Chairman STOKES. And during the period he was under arrest and in jail, out of 1,277 days he was only questioned in part 292 days, and according to your calculation 77 percent of the time he was not being questioned, is that correct?

Mr. HART. Absolutely correct, sir, yes.

Chairman STOKES. Then obviously the only conclusion that we can come to is that with reference to the activities of Oswald, through Nosenko, that there was no investigation of that matter by the CIA. Isn't that true?

Mr. HART. Off the top of my head I would tend to say that was true, because I have not seen any indications in those files which I have read of any energy on the subject.

I do want to point out that simply by virtue of the fact that a piece of correspondence was about Lee Harvey Oswald it would have been in a file which I did not ask for because I had pointed out that I could not do an adequate job which met my standards of scholarship if I didn't have access to all the documents.

So, I don't think I am really quite—I don't think I am completely competent to answer that question.

Chairman STOKES. Let me ask you this. One of the responsibilities of this committee is to assess the performance of the agencies in relation to the job that they did, cooperating with one another and with the Warren Commission in terms of the investigation of the assassination.

In light of your statements here to other members of the committee with reference to the performance of the agency which you have described as being dismal, et cetera, if I were to ask you to rate the performance of the agency in this matter on a scale of 1 to 10, with 10 representing the highest number, top performance, where would you rate them?

Mr. HART. I would rate it at the lowest possible figure you would give me an opportunity to use. I am perfectly willing to elaborate on that, Mr. Chairman.

I have never seen a worse handled, in my opinion, worse handled operation in the course of my association with the intelligence business.

Chairman STOKES. I have one other question I would like to ask you.

In the final report submitted by the Warren Commission, page 18 says this: "No limitations have been placed on the Commission's inquiry. It has conducted its own investigation, and all government agencies have fully discharged their responsibility to cooperate with the Commission in its investigation.

"These conclusions represent the reasoned judgment of all members of the Commission and are presented after an investigation which has satisfied the Commission that it has ascertained the truth concerning the assassination of President Kennedy to the extent that a prolonged and thorough search makes this possible."

Then at page 22 it further says this: "Because of the difficulty of proving negatives to a certainty, the possibility of others being involved with either Oswald or Ruby cannot be established categorically. But if there is any such evidence, it has been beyond the reach of all the investigative agencies and resources of the United States, and has not come to the attention of this Commission."

In light of your testimony here today with reference to the performance of the agencies, obviously the conclusions of the Warren Commission which I have just read to you are not true, are they?

Mr. HART. May I add one point. It is my understanding that the Nosenko information was made available to the Warren Commission but it was made available with the reservation that this probably was not valid because this man was not a bona fide defector and that there was a strong suspicion that he had been sent to this country to mislead us.

And therefore again speaking, sir, from memory and as somebody who has already told you that he is not an expert on this subject, I believe that the Warren Commission decided that they simply would not take into consideration what it was that Nosenko had said.

Chairman STOKES. But in light of the fact that we now know that the CIA did not investigate what Nosenko did tell them about Oswald in Russia, then obviously the Commission then still could not rely upon that data for that reason. Isn't that true?

Mr. HART. Mr. Chairman, I am not sure, when you use the word "investigate"—I am not absolutely certain, and I don't want to quibble about semantics needlessly, but I am not actually certain that there was much more to do.

I hesitate to judge in retrospect their actions on that basis. I would make harsh judgments on most other aspects. But I don't really know whether they did all they could or not because I do not happen to know whether, for example, all the other defectors were queried on this subject. No such file came to my attention.

So, I am once again having to say that I don't know for sure the answer to your question.

Chairman STOKES. My time has expired.

The gentleman from Connecticut, Mr. Dodd.

Mr. DODD. Thank you, Mr. Chairman.

Mr. Hart, in response to Chairman Stokes' question in terms of how you would rate the CIA's performance if you had to rate it on a scale of 0 to 10, I gather from your answer that you would rate it zero, that being the lowest score.

Mr. HART. Yes, sir.

Mr. DODD. Let me ask you to hypothesize with me for a minute. Let's assume, given the level of performance that you have just rated the Central Intelligence Agency's activities during that period of time, let's just suggest that if in fact there had been a conspiracy, or had been some complicity—and by that statement I am not in any way suggesting that I believe there was, but let's just for the sake of argument say there was—are you saying in effect that even if there had been some involvement by the Soviets that the caliber of the activity of the CIA during that period of time was such that we wouldn't have ever found out anyway?

Mr. HART. No, sir, I am not saying that.

Mr. DODD. You used a word in response to Mr. Sawyer. During your testimony you raised a point. He heard you use the word "disposal"——

Mr. HART. Yes, sir.

Pick up

Mr. DODD [continuing]. In talking about a memo that you were quoting, on how Mr. Nosenko would be treated if certain things didn't occur. Is that a word of art in the Central Intelligence Agency and, if so, what does it mean?

Mr. HART. I would like to make—there is a two-part answer, Congressman. I would like to say that the word "disposal" is often used, I believe, rather carelessly because it can mean simply in the case of, say, a refugee whom you have been handling how do we dispose of this matter, how do we relocate him.

Now, the second part of my answer will be more specific. I think I know what it meant in this case, but I would prefer to depend on documents, and I will read you a document.

I am about to read you a very brief excerpt from a document, also written in the handwriting of deputy chief SB, which was not a document which to the best of my knowledge he ever sent anybody.

He appears to have been a man who didn't think without the help of a pencil. Therefore, he wrote, tended to write his thoughts out as they occurred to him.

I will read you the document. I don't believe that I am going to have to make any judgment. I think you will be able to draw your own conclusions, sir.

He was talking about the problems which were faced by the fact that a deadline had been given the organization to resolve the case. Mr. Helms had given them a deadline. As I have previously said, he believed that there would be "devastating consequences" if this man were set free.

What he wrote was, "To liquidate and insofar as possible to clean up traces of a situation in which CIA could be accused of illegally holding Nosenko."

Then he summed up a number of "alternative actions," which included—and I start with No. 5 simply because the first four were unimportant.

"No. 5, liquidate the man; No. 6, render him incapable of giving coherent story (special dose of drug, et cetera). Possible aim, commitment to loony bin." Some of the words are abbreviated, but I am reading them out in full for clarity.

"No. 7, commitment to loony bin without making him nuts."

Mr. DODD. The word "disposal," was that the word "liquidation" you were talking about?

Mr. HART. I am drawing the conclusion that disposal may have been a generalized word which covered inter alia these three alternatives.

Mr. DODD. There is no question about what the word liquidate means, though, is there?

Mr. HART. No, sir.

Mr. DODD. Since I have got you here, and you have that memo right in front of you, the words "devastating effect" that were predicted if Nosenko were released, to your knowledge, Mr. Hart, are you aware of any contract that may exist between the Central Intelligence Agency and Mr. Nosenko that in payment of the money that he has received he would not tell his story and that, therefore, we averted the alternative suggested in that memo or that note by the payment of money to Mr. Nosenko?

Mr. HART. No, sir. I can tell you that Mr. Nosenko will learn of this for the first time when he reads about it in the press because this information has been known to me, and I was the one in fact first to run across it.

I didn't feel that I needed to add to the miseries of Mr. Nosenko's life by bringing it to his attention. So, I did not do so.

Mr. DODD. Let me ask you this. In response to Chairman Stokes, you really—and I appreciate the position you are in in not being able to comment on what steps have been presently taken by the current administration or the immediately previous administration to reform some of the practices that have gone on in the past.

But can you tell us this, if you are not fully capable of talking about the reforms: Are some of these characters still kicking around the Agency, or have they been fired?

Mr. HART. There is nobody now—well, I will make one exception to that. There is one person now in the Agency whose activities in this regard I could question, but I do not like to play God. I know that——

Mr. DODD. Is it the deputy chief of the Soviet bloc?

Mr. HART. No, sir.

Mr. DODD. He is gone?

Mr. HART. Yes, sir.

Mr. DODD. I gathered by what you have told us here today that we really cannot rely on the statements of Mr. Nosenko for a variety of reasons, and that your suggestion to us was to discount his remarks, albeit you believe that in good faith he is a bona fide defector.

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You have quite a few years of experience yourself, and I went over your resume and I noticed that you had a significant amount of experience as an intelligence analyst, as a counterintelligence analyst, you had written several papers on defectors, you seem to have some expertise in that area.

I would like to take advantage of your presence here today and ask you a couple of questions drawing upon that expertise, if I may.

Mr. HART. Yes, sir.

Mr. DODD. If you take out that report that we submitted to you, and looking at the bottom of page 23, and going over to page 24, and then there is a paragraph on page 25, I would like to read; and I would like to get your comments on it, if I could. Do you have it in front of you?

Mr. HART. I have page 23 with a heading in the middle which says, "Committee Investigation of Nosenko's Oswald Story." Is that the right place?

Mr. DODD. Yes. Going down to the last paragraph on that page, "Nosenko has always insisted that the KGB never had any contact with Oswald. He stated in both 1964 and 1978 that the KGB determined that Oswald was of no interest to them, and did not even bother to interview him."

Turning to page 24, "Question:"—and this is from the deposition—"And exactly why did no KGB officer ever speak to Oswald before they made the decision about whether to let him defect?"

Answer by Mr. Nosenko, "We didn't consider him an interesting target." When asked if he knew of any other defector who was turned away because he was uninteresting, Mr. Nosenko answered, and I quote, "No."

Turning to page 25, eliminating for the purpose of brevity a lot of this, I would like to draw your attention to the second paragraph from the bottom, which begins with the words:

> In short, Nosenko's Oswald story is the following: The KGB although very interested in the U-2 never learned anything about it from Oswald because it didn't know he had any knowledge of the aircraft. Why? Because Oswald was never questioned by the KGB, because the decision was made that Oswald was of no interest to Soviet intelligence.

Now, as someone who has had a quarter of a century of experience in this area, do you think that is plausible?

Mr. HART. Well, let me first downgrade your expectations of me a little bit, if you don't mind, Congressman. I have had a quarter of a century of experience, but a lot of it was in fighting wars in Vietnam and Korea and going in jungles——

Mr. DODD. I will accept your disclaimer.

Mr. HART. But let us assume that I have some expertise, but it is not quite as great as you attribute. I am flattered, but I am not that good.

However, I find it implausible that in the relatively small city of Minsk, which is the capital of the relatively small country within a country called Belorussia, that the KGB in Minsk was so busy that they wouldn't have found time to do a little bit of something in regard to Nosenko. That just strikes me as implausible.

Mr. DODD. Well, does it strike you also as implausible that here you have a young man who had served in the Marine Corps with some specific training in the U-2 planes, who renounces his American citizenship at the American Embassy, announces to his Intourist guide that he wants to stay in the Soviet Union, that information then becomes available to the KGB, specifically to Mr. Nosenko, and that they determine on the basis of his entry application, or whatever the papers are, relatively simple forms, that he is uninteresting

Does that strike you as being plausible, that that would be the extent of their looking into the possibility of talking to this individual about what information he might give to them?

Mr. HART. I am not clear in my own mind. I may be wrong on this, but I am not clear that the KGB knew of Oswald's connection with the Marine Corps. My memory is that Mr. Epstein, who tried desperately to interview me on a couple of occasions, but didn't succeed, is that he takes credit for uncovering that fact.

I don't think that anybody was particularly aware of that, that fact. Therefore, it may have been that there were KGB priorities that didn't include him.

Mr. DODD. I am not suggesting, Mr. Hart, that they knew he was a U-2 pilot. You misunderstood my question. I am stating that as a matter of fact. But my concern is that here you have someone in the Soviet Union who announces he wants to stay, that he wants to live there, that he wants to become a Soviet citizen, and the KGB according to Mr. Nosenko decides that on the basis of his application to come to the country he is uninteresting.

Now, does that strike you as plausible, based on your information and your knowledge of intelligence and counterintelligence activities, that the KGB would dismiss that kind of a request merely by looking at the entrance applications, and not make an effort to talk to the person, to see what information they might be able to impart?

Mr. HART. Congressman, I find it implausible. I might say that if this had ever been the case within the experience of any of us who had anything to do with Soviet operations, it would have greatly facilitated our tasks in connection with putting people into the Soviet Union.

Briefly, no, I find it implausible.

Mr. DODD. All right. That is what I was trying to get at. I wonder if you might also just—and I will try to wrap this up as quickly as I can.

Mr. SAWYER. Could I interrupt just a second, just to correct. You made a remark to the effect, I think inadvertently, that Oswald was a U-2 pilot.

Mr. DODD. No. I apologize. I didn't mean he was a U-2 pilot. He had experience in working on U-2 planes—radar, I guess, is what it was.

I would like to dwell, if I could, on your comments with regard to the human experience that Mr. Nosenko was undergoing at the time of his defection. You talked about the expectation of a job, and so forth, the short memory that he apparently had, according to the Wechsler test that you gave to him, and his apparent drinking prior to being interviewed in Geneva.

Again, I will ask you, based on some of your expertise, because it may be difficult to reach an answer otherwise. Here you have a

man who has spent 10 years in the KGB. At the time he defects he is one of the top people in the Second Directorate. He is deputy chief of the Seventh Department of the Second Directorate. He comes and announces he wants to defect.

Now, he isn't a young college student deciding he wants to leave the country. He is an experienced intelligence officer. Do you think it is realistic to believe that Mr. Nosenko didn't appreciate from the day he decided to defect, if in fact he did, that he was going to undergo a tough period of time before we would believe him; and that, in fact, he must have known in his own mind that the idea of being immediately accepted, his story immediately being believed, immediately being placed in a job with an alias, was something that was not going to happen in a relatively short period of time?

Mr. HART. Congressman, I believe from what I know of Soviet treatment of defectors from the United States, who were valuable defectors, as he was, that they have been treated extremely well, that they have been given much less trouble, they have been welcomed, in fact.

Everything has been done to encourage that other people like themselves would come to the Soviet Union. They are usually given a stipend immediately. They are given living quarters. They are treated extremely well.

On the basis of what he knew of how the Soviet Union treated defectors, he would have assumed that he could be treated very well.

Now, on the basis of what he knew of how the United States handled defectors, which is not a glorious record, he would have had occasion to be fearful because it is true that it has often been very hard for even the most valuable person to defect to the United States. It has been rather difficult.

It is not just that they have difficulties. It is that we have difficulties accepting and believing them.

Mr. DODD. So your response to my question is that he could have and should have expected a rough time?

Mr. HART. He certainly could have expected interrogations to establish his bona fides. He should not have expected the sort of treatment he got because it has not ever been the experience of any other defector that he happened to know about at that particular time, with the exception of a man whom he did know about, who tried to defect in Moscow, and he was promptly—action was taken by the American Embassy without actually ever consulting the Central Intelligence Agency representative which resulted in that man being tracked down and I believe subsequently executed.

Mr. DODD. Mr. Chairman, can I just ask to suspend for one minute, before I yield my time?

Chairman STOKES. Certainly.

Mr. DODD. Just to resume, if I could, and I will try to make this the last question, you talked about the Wechsler test.

As I recall your statement you said that in the Wechsler exam of Mr. Nosenko's long-term memory, he showed being below the mean of someone with regard to long-term memory. Is that a correct assessment of your statement?

Mr. HART. He was below his own mean in terms of the various—I will see if I can hold this up. If you wish, I could bring it up to you and show it to you.

Mr. DODD. That is all right.

Mr. HART. Basically, what you have here is a profile, these are squares here, and you have the various—you have the 10 elements of his intelligence, which are graded. There are two down here, there is another one here, another one here, and so forth.

They are all superior to his memory; in other words, his memory was the lowest, showed up as the lowest element in those things, those qualities which go into making up this very indefinite term which psychologists really can't agree on, which is what we call intelligence.

Mr. DODD. I am not going to state it as a matter of fact because I am not 100 percent sure. I am going to make a request of the chairman that we ask the Library of Congress to give an assessment of what actually is contained in the Wechsler exam.

But in the half hour or hour since you have made that statement, I have done a little investigation to find out exactly what is included in a Wechsler exam.

While it was not a thorough investigation, I am told by the Educational Testing Service here in Washington, D.C., the director of that agency, who is a member of the American Psychological Association, that the Wechsler test is not designed nor is it fair to use that test in any way whatsoever to reflect long-term memory.

It is basically an intelligence test, and the only direct memory test is a digit span, showing someone a series of numbers for a matter of seconds and then removing them and asking them what those numbers were. It is primarily to test their ability to concentrate.

So, I would like to find out if I could, more about the Wechsler exam.

Mr. Chairman, I would make that request through you of the staff that we get a better reading on exactly what is in the Wechsler exam.

Chairman STOKES. It certainly may be done.

Mr. DODD. I can't resist asking you, Mr. Hart, that if you are right and I am wrong, and Mr. Nosenko had a bad memory, what are we paying him $35,000 a year to be a consultant in 1978 for activities that occurred prior to 1964, if he has such a rotten memory?

Mr. HART. There are several questions implied, Congressman, in what you said. May I sort of start out in sequence, if you don't mind?

Mr. DODD. Sure.

Mr. HART. In the first place, what I was referring to was the digit span. The digit span, he got a weighted score of seven, which for one of this—a person of this performance would have been low.

Second, you can probably get a great many answers out of a great many people on the subject of the Wechsler adult intelligence scale.

What I use as my standard source on this subject is called "Wechsler's Measurement and Appraisal of Intelligence," by Dr. Joseph D. Moderatso, Ph. D., who is the psychologist who took over

the periodic revisions of the books on the Wechsler scale, which was first developed by Dr. David Wechsler at the Bellevue Hospital in New York.

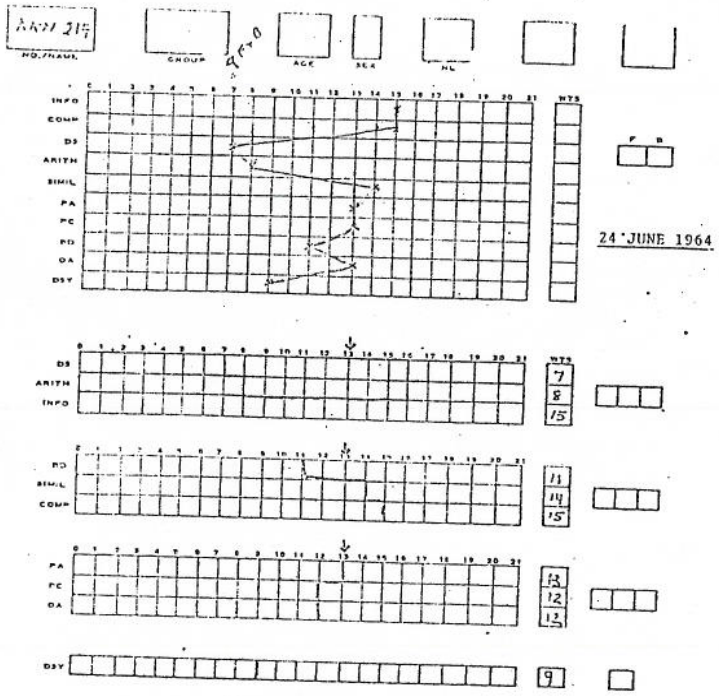
This has been investigated, reinvestigated, and I took one 3-month course on this subject. You will find that various authorities on what these things mean differ considerably.

Basically, the memory span can be—there can be a correlation between short-term and long-term memory span. We don't have time in this committee——

Mr. DODD. Why don't we do this. I have made the request we try to get an assessment of it. I am certainly not an expert on it. I think that may be the best answer. I would ask, however, Mr. Chairman, at this point that that piece of paper that you showed that apparently has a graph on it or some kind of a score, I would like to have that made a part of the record and marked as exhibit F-426, if that is in order.

Chairman STOKES. Without objection, it may be entered into the record at this point.

[The information follows:]



JFK EXHIBIT F-426

Mr. HART. May I ask that it be Xeroxed, rather than my turning this over, because I would like to keep this copy.

Chairman STOKES. We will Xerox that and substitute it for the exhibit in the record.

Mr. DODD. You want to answer the last part? If he has such a bad memory, why do we have him as a consultant?

Mr. HART. Yes. In fact, Mr. Nosenko is not used as an IBM machine which is a repository of information over the years. Mr. Nosenko is used as an intelligent human being who lived, worked in the midst of the KGB for a long time.

I think he is—if you met him, you would find him an intelligent man to talk to. He has interesting ideas on the subject of the Soviet Union. He reasons well. Like many of us, including myself, I might say, his memory is not as good as his powers of logical thought.

That same particular test has another little square on it which measures what is called similarities, and it measures the power of abstract thinking in a rather loose way. That happens to be one of his things on which he scores high.

Mr. DODD. For the purpose of the record, this committee spent more than 6 hours with Mr. Nosenko at the Central Intelligence Agency. So I thank you.

Mr. Chairman, I apologize for taking so much time.

Thank you, Mr. Hart.

Chairman STOKES. The time of the gentleman has expired.

The gentleman from Michigan, Mr. Sawyer.

Mr. SAWYER. Is it fair to say that his rating of seven really is not rated against the population as a whole being below average, but the lesser of his variable abilities?

Mr. HART. Exactly.

Mr. SAWYER. All of which are quite high?

Mr. HART. Exactly. I am saying—well, this seven is a pretty low weighted score for a person of his abilities because when you get down just a little bit before that, below that, why, you come into the level where you are likely to presume that a person is under stress or is having, subject to some type of retardation or something. It is pretty low.

Mr. SAWYER. The last of those optional dispositions, disposable items that you read there, out of that memo, as I understood you you said that the last of the three, after there was liquidation, and then there was something, drugging him so he could not talk, and then putting him in a loony bin, after first rendering him nice, is that what you said?

Mr. HART. No, making him nuts, sir. This was a memo of one man to himself, and therefore it wasn't couched in polite proper language.

Mr. SAWYER. But the thrust of it was at first you drive him insane and then put him in a loony bin?

Mr. HART. That is as I understand it, yes, sir.

Mr. SAWYER. Now, you said that people, all except one, are not in the Agency anymore. How did they come to leave? Did they get fired for this or did they just retire in the normal course?

Mr. HART. Sir, I would prefer that that question, which I believe is a very private matter, and affects a number of people, I think that should come from somebody in the command line of the Agency. I don't think it is proper for me to address personnel matters.

Mr. SAWYER. Well, do you know the answer to it?

Mr. HART. I think I know the answer to it, but I believe that the Director of Central Intelligence should reply to that. I am not a lawyer, and I do not have counsel to consult here. But I do feel that is an improper question for me to answer.

Mr. SAWYER. Now, you say Helms had limited information, or at least some limitation on the information that he received on this. He must have known about this torture vault or whatever it is you had specially built. He would have known about that, wouldn't he?

Mr. HART. He sent two people down to take a look at it before it was used. The two people happened to be the chief of the SB division, and the chief of the CIA staff.

Also, if I remember correctly, the chief of the Office of Security. They came back and said that it was a satisfactory place to keep someone.

Mr. SAWYER. But he must have known the general format of it, wouldn't you think?

Mr. HART. I can't say how much he knew.

Mr. SAWYER. He also knew apparently that they had held him in solitary confinement for 1,277 days.

Mr. HART. He did know that, yes, sir.

Mr. SAWYER. And actually, he thought they were interrogating him the whole 1,277 days, was that the thrust of the fact——

Mr. HART. Well, I am not sure he thought they were interrogating him every day. But I—and here I want to make clear that I am entering into the realm of presumption—I never saw any indication that anybody told him that 77 percent of the time that this man was in this prison, that nothing was happening to him.

Mr. SAWYER. He knew, too, apparently that they wanted to use sodium pentathol on him, which he turned down.

Mr. HART. Sodium amytal, but the same thing.

Mr. SAWYER. Did the Department of Justice know or were they advised what you intended to do with this man, when you were consulted?

Mr. HART. I do not believe that that was spelled out in detail. At the time that Mr. Helms went over to see Mr. Katzenbach, as I interpret events, nobody realized that this man would be held that long. I am quite sure that nobody had any thoughts that he would be held that long.

Mr. SAWYER. Well, did they tell the Department of Justice that they planned to subject this man to torture over this period of time by depriving him of adequate food and reading material?

Did the Department of Justice have any information what they were proposing or even the outlines of what they were proposing to do to this man?

Mr. HART. I do not believe that they did.

Mr. SAWYER. I don't have anything else, Mr. Chairman. Thank you.

Chairman STOKES. The time of the gentleman has expired.

Mr. Hart, I just have one question. It is based upon what I have heard here today. It troubles me, and I am sure that it is going to trouble some of the American people.

The American people have just spent approximately $2.5 million for this congressional committee to conduct a 2-year investigation of the facts and circumstances surrounding the death of President John Kennedy.

Pursuant to that, this committee met with Mr. Nosenko 2 successive evenings, where we spent in excess of 3 or 4 hours with him each of those evenings.

In addition to that, counsel for this committee, Kenny Klein, spent in excess of 15 hours with him preparing before the committee met with him. In addition to that, Mr. Klein has perhaps spent hundreds of hours at the CIA researching everything about Mr. Nosenko.

I want to predicate my question, my final question to you, upon this statement which appears in the staff report at page 17. It was read by Chief Counsel Blakey here earlier today in his narration. It says:

> Following acceptance of Nosenko's bona fides in late 1968, an arrangement was worked out whereby Nosenko was employed as an independent contractor for the CIA effective March 1, 1969.
>
> His first contract called for him to be compensated at the rate of $16,500 a year. As of 1978 he is receiving $35,325 a year. In addition to regular yearly compensation in 1972, Nosenko was paid for the years 1964 through 1969 in the amount of $25,000 a year less income tax. The total amount paid was $87,052.
>
> He also received in various increments from March 1964 through July 1973 amounts totaling $50,000 to aid in his resettlement in the private economy.

We know in addition to that now about the home we don't know the cost of, that the CIA has built for him.

To this date, Nosenko is consultant to the CIA and FBI on Soviet intelligence, and he lectures regularly on counterintelligence.

So that I can understand, and the American people can understand, the work of this congressional committee, do I understand you correctly when you say that with reference to what Nosenko has told this congressional committee about the activities of Oswald in Russia, this man who is today, not 15 years ago but today, your consultant, based upon everything you know about this bona fide defector, you would not use him?

Mr. HART. Mr. Chairman, when the question arose about whether I would use—depend on the information which he offered on the subject of Lee Harvey Oswald, I replied that I find that information implausible, and therefore I would not depend on it.

I did not make that same statement about any other information which he has offered over the years or the judgments which he has given. I was addressing myself specifically to his knowledge of the Oswald case. I was making a judgment.

Chairman STOKES. Your judgment is that from everything you know about him, and from what you know that he knew about Oswald in Russia, you would not depend upon what he says about it?

Mr. HART. I would not depend on it, but I am not saying that he wasn't speaking in good faith because I repeat that one of the principal qualities of an intelligence organization, whether we like intelligence organizations or don't like intelligence organizations, is compartmentation as it is called.

That means that a person at his level might well not know about something which was going on up at a higher level. The KGB is a very large organization, considerably dwarfing any intelligence organization which we have and, therefore, it is perfectly possible for

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something else to have been going on which he wouldn't have known.

Chairman STOKES. Can we then leave the term "in good faith," and can you tell us whether he would be telling us the truth?

Mr. HART. He would be telling us the truth insofar as he knows it, yes.

Chairman STOKES. Thank you.

The Chair recognizes counsel for the committee, Mr. Gary Cornwell.

Mr. CORNWELL. Mr. Hart, may we look at the document that you referred to several times that has the list of the ways in which they could have disposed of the problem that Nosenko posed at the time of his contemplated release? Is that a document we could look at?

Mr. HART. I would like, if I may, to simply excerpt this part of it. If that is an acceptable procedure, I will give you exactly what it was that I presented in my testimony.

I have here a mixture of things which have been declassified at my request, and not declassified and so forth. So, if you will allow me simply to make this available. There we are.

[The document was handed to counsel.]

Mr. CORNWELL. Mr. Hart, do you not have with you the items that would appear on the list prior to item number five?

Mr. HART. I do not have that with me. It would be possible to dig them up. The reason that they are not in there is that I considered them insignificant. I consider this obviously very significant, and I simply wasn't using up space with insignificant things.

In many cases throughout my study I was using portions of rather long documents. But it would be possible to find that, yes.

Mr. CORNWELL. All right. The portion that you did bring with you, though, however, seems to refer to notes which were prepared prior to 1968, is that correct?

Mr. HART. Yes, sir.

Mr. CORNWELL. By the deputy chief of the Soviet branch.

Mr. HART. Yes, sir.

Mr. CORNWELL. And at a time in which the Agency was contemplating the release of Nosenko, the release from confinement.

Mr. HART. Yes. The director said, as I remember his specific words, "I want this case brought to a conclusion."

First he asked for it to be brought to a conclusion within 60 days, which I think would have put the conclusion in sometime in September of 1966. Later on they went back to him and said, "We can't do it that fast," and he extended the deadline until the end of the year.

Mr. CORNWELL. And this was the same deputy chief of the Soviet branch who earlier in your testimony you stated had referred to potentially devastating effects from that release; is that correct?

Mr. HART. He later used that term. That term was used by him much later after he was no longer connected with the Soviet Division. That was in the letter which I described he wrote, so that it bypassed me as his superior, and I happened to find it in the file.

Mr. CORNWELL. And you testified that at one point, I believe, you didn't know specifically what dangers this deputy chief foresaw might stem from his being released; is that correct?

Mr. HART. He had refused to tell me. He refused to tell me. I can read you that.

Mr. CORNWELL. No, I think we remember that. But at least in this memo it appears that the principal fear that he had was with respect to the CIA being accused of illegally holding Nosenko; is that correct?

Mr. HART. That was a fear expressed in there. I frankly think that there must have been something else in his mind, but I, for the life of me, don't know what it was. He had built up a picture which was based on a good deal of historical research about a plot against the West, and since I don't happen to be able to share this type of thing, I don't know.

Mr. CORNWELL. I think we understand.

Let me simply ask you this: Nosenko has never publicly complained of his illegal detainment, has he? He has never taken that to any authorities and asked that anything be done with it, has he?

Mr. HART. He, I believe, when he was released, that in connection with the release but not as a condition of release, you must understand that this was not a condition of the release, but as of the time that the settlement was reached with him, I believe that he signed some type of document saying "I will no longer, I will not make further claims on the organization," something of that sort. I have never actually read the administrative details.

Mr. CORNWELL. That was the point that I was coming to.

Thank you.

Mr. HART. Yes.

May I say something more, Mr. Cornwell? He does periodically get very upset. He got very upset, for example, on the subject of the Epstein book. He is a very—he is a normal human being, and when he feels that he is being maligned, he gets just as upset as anybody else around.

Mr. CORNWELL. But your conclusion then is that in 1968 he was paid a large sum of money. In connection with it, he agreed not to voice any complaints about the way he was treated prior to that, and the fears that were at least in certain persons' minds prior to that did not come to pass.

Mr. HART. I don't believe, I do not interpret these events, although they can be so interpreted, as his being paid off not to cause trouble. The fact is that two responsible members of the Agency had made commitments to him, and they are clearly, you can hear them, you can see the tapes and you can, I believe, hear them on the tapes if you listen to them talking. They made commitments to him that they were going to do this.

Mr. CORNWELL. Thank you.

I have no further questions.

Chairman STOKES. You don't think though, Mr. Hart, that if he were to sue the CIA for his illegal arrest and detention that they would continue to keep him as a consultant, do you?

Mr. HART. Sir, you are getting into a point which I cannot speak about. I have no idea what they would do. As a matter of fact, I don't think he would do it. I think it is suppositious.

Mr. CORNWELL. Mr. Chairman, may we have the document that Mr. Hart provided marked as an exhibit and placed in the record?

Chairman STOKES. Without objection, and he may want to substitute a Xeroxed copy for the original.

Mr. CORNWELL. Thank you. It will be JFK F-427.

[JFK exhibit F-427 follows:]

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Deputy Chief, SB,

[redacted], in a series of handwritten notes, set forth the Task Force objective as he saw it: "To liquidate & insofar as possible to clean up traces of a sitn in which CIA cd be accused of illegally holding Nosenko." Further on, he summed up a number of "alternative actions," including:

5. Liquidate the man.

6. Render him incapable of giving coherent story (special dose of drug etc.) Poss aim commitmt to looney bin.

7. Commitment to loony bin w/out making him nuts.82

[redacted]

JFK EXHIBIT F-427

Chairman STOKES. Mr. Hart, at the conclusion of a witness' testimony before our committee, under the rules of our committee, he is entitled to 5 minutes in which he may explain or comment in any way upon the testimony he has given before this committee. I at this time would extend the 5 minutes to you if you so desire.

Mr. HART. I don't think I will need 5 minutes, Mr. Chairman, but I thank you for your courtesy.

The final remark that I would like to make is that I have had 31 years, approximately, of Government service, both military and civilian, and participated fairly actively both as a, first, as a military man in the Army, and then in quasi-military capacities as chief of station in two war zones.

It has never fallen to my lot to be involved with any experience as unpleasant in every possible way as, first, the investigation of this case, and, second, the necessity of lecturing upon it and testifying. To me it is an abomination, and I am happy to say that it does not, in my memory, it is not in my memory typical of what my colleagues and I did in the agency during the time I was connected with it.

That is all, Mr. Chairman. I thank you.

Chairman STOKES. All right, Mr. Hart.

We thank you for appearing here as a witness, and at this point you are excused.

There being nothing further to come before the committee, the Chair now adjourns the meeting until 9 a.m. Monday morning.

[Whereupon, at 3:35 p.m., the select committee was adjourned, to reconvene at 9 a.m., Monday, September 18, 1978.]

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